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PUBLICATIONS OF

The Arkansas Historical Association

Edited by

JOHN HUGH REYNOLDS

Secretary

Vol. 2

FAYETTEVILLE, ARKANSAS

1908

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PREFACE.

The appearance of this volume at the time originally planned for it will be received by the friends of local historical work as renewed evidence of the vitality of the Arkansas Historical Association. A reading of the Administrative Report of the history commission and of the proceedings of the historical association will convey some idea of the struggle through which the cause has passed in the last two years. A comparison of the table of contents of this volume with that of volume I. issued two years ago will disclose a significant fact, namely, that so many people have contributed to the preparation of this volume, while two or three bore the burden of preparing the first, thus showing a rapidly growing general interest in the work.

A cursory glance at the contents of this volume will show that many phases of the State's history are treated. Two chapters are devoted to each, the economic, the religious and the educational history of Arkansas; while four chapters are given to the military and three to the Indian and archæological history of the State. It is hoped that these valuable studies will stimulate many similar investigations on each and every phase of Arkansas history. The two valuable reprints on French history and the name of the State and the publication for the first time of the official orders of Governor Flanagin in this volume represent two lines of work which, it is hoped, the future will enable the association to carry forward on a much larger scale.

CONTENTS.

Preface 3
Officers for 1908-09 5
Constitution 6
Proceedings of the First Three Regular Meetings of the Arkansas Historical Association 9
Administrative Report 18
A Comprehensive Historical Policy for Arkansas, by John Hugh Reynolds 31
A History of Taxation in Arkansas, by David Y. Thomas 43
Arkansas College, by Eugene R. Long 91
Reminiscences of Hempstead County, by Alfred Holt Carrigan 114
The Brooks-Baxter War, by Benjamin S. Johnson 122
Pope County Militia War, by Thomas J. Reynolds 174
Confederate Manufactures in Southwest Arkansas, by Henry B. McKenzie 199
Western Boundary of Arkansas, by John Hugh Reynolds 211
Founding of Presbyterianism in Southwest Arkansas, by Asa S. Morgan 237
Graves of Eminent Men, by Joseph S. Utley 254
Confederate Cemeteries in Arkansas, by James P. Coffin 296
History of Baptist Schools and Colleges in Arkansas, by James Bryant Searcy 307
Historical Relics of Arkansas, by J. M. Lucey 328
History of the French in Arkansas, by M. W. Benjamin 334
First Historical Society of Arkansas, by Mrs. Myra McAlmont Vaughan 346
Battle of Prairie Grove, by Charles Whiting Walker 354
Official Orders of Governor Harris Flanigin, by John Hugh Reynolds 362
The Catholic Church in Arkansas, by J. M. Lucey 424
Pronunciation of the Name "Arkansas" 462
Reconstruction in Arkansas County, by William Henry HalliBurton 478
Habitat of the Quapaw Indians, by Mrs. Myra McAlmont Vaughan.. 521
David O. Dodd, "The Nathan Hale of Arkansas," by W. C. Parham.. 531
Relics of Arkansas Show Eastern Origin, by H. L. Stoddard 536
History of Clark County, by Mrs. Laura Scott Butler 551

OFFICERS FOR 1908.

President.

DR. A. C. MILLAR, Little Rock.

Vice Presidents

JUDGE J. M. HILL, Ft. Smith.
JUDGE JACOB TRIEBER, Little Rock.
COL. ASA S. MORGAN, Camden.
GEN. B. W. GREEN, Little Rock.

Secretary

PROFESSOR J. H. REYNOLDS, Fayetteville.

Treasurer

HON. R. J. WILSON, Fayetteville.

Auditing Committee

HON. FAY HEMPSTEAD, Little Rock.
DR. J. H. CUFFMAN, Benton.

EXECUTIVE COMMITTEE

DR. A. C. MILLAR, Little Rock.
JUDGE J. M. HILL, Ft. Smith.
JUDGE JACOB TRIEBER, Little Rock.
PROF. J. H. REYNOLDS, Fayetteville.
HON. R. J. WILSON, Fayetteville.

CONSTITUTION OF THE ARKANSAS HISTORICAL ASSOCIATION.

Article I. Name.

This society shall be called the Arkansas Historical Association.

Article II. Purpose.

The aim of the association shall be (1) to prepare an inventory of all source material of the history of Arkansas, (2) to collect said material either at the University or at the state capitol, (3) to encourage the study and the writing of all phases of the State's history by issuing publications.

Article III. Members.

Members are regular, life and honorary.

Regular members.—Any person approved by the executive committee may become a member on the payment of a fee of one dollar, and thereafter may remain a member by paying an annual fee of one dollar. A regular member may vote and hold office, and on the payment of an additional dollar when a volume of the Publications of the association is issued, shall be entitled to a copy.

Life members.—Any person paying the association $25 or equivalent in books, manuscripts or other valuable documents, shall become a life member when approved by the executive committee.

Honorary members.—Any person not a resident of the State who is eminent in the field of history may, by a majority vote, be elected honorary member at any regular meeting of the association. Life and honorary members are not required to pay annual dues.

Article IV. Officers.

The officers of the association shall be president, four vice presidents, secretary, treasurer, executive committee and auditing committee. All officers of the association shall be elected annually at the regular meeting of the association except as herein

otherwise provided, and shall perform the duties usually assigned to such officers. They shall perform the duties of their offices until their successors shall have been chosen.

The executive committee shall consist of the following officers of the association: president, first and second vice presidents, secretary and treasurer. The committee shall have control of the general affairs of the association, including the election of members, the calling of public meetings and the publication of the papers of the association.

The auditing committee shall consist of three members, appointed biennially by the president. They shall audit the books of the treasurer and the secretary.

Article V. Meetings.

The association will meet annually. Special meetings may be called by the president upon the advice of the executive committee.

Life Members.

William S. Mitchell, Little Rock.
Col. V. Y. Cook, Elmo.

PROCEEDINGS

OF THE

FIRST THREE REGULAR MEETINGS OF THE ARKANSAS HISTORICAL ASSOCIATION

The proceedings of no meeting of the Arkansas Historical Association have been published; for that reason they are given here. During the winter and spring of 1903 the professor of history of the University of Arkansas gave the literary societies of that institution some lectures on Arkansas history. The students evinced some interest in the subject and in June of that year he called together a few of the students most interested, explained to them the deplorable condition of the source material of Arkansas history and presented the advisability of organizing among the students a historical society, whose primary purpose would be to stimulate in them a patriotic interest in state history and to locate and collect source material. The suggestion was favorably received, the Arkansas Historical Society was organized, and the following officers were elected: W. O. Wilson, president; J. R. Wilson, vice president; J. H. Reynolds, secretary; and Rupert Taylor, treasurer. All the officers and members were students except the secretary, who filled the chair of history at the University. The society was modest in its pretensions. Those chiefly responsible for its organization planned to let developments determine its future policy, whether it should remain purely a student organization or admit to membership people outside of University circles. The secretary urged upon the members to work in their respective towns and counties during the following summer with a view to ascertaining what historical material existed.

On October 15, 1903, the society held its second meeting in the boys' study hall of the University at 3:30 p. m., the president, W. O. Wilson, being in the chair. The secretary made a report of the work done during the summer, stated that he had had two circulars printed and sent out to the newspapers, prominent citizens and students. Circular number one explained the condition of Arkansas history, the object of the society and solicited assistance in carrying out its purposes. The other circular enumerated the several kinds of historical material which the society wished to locate and to collect, and requested the coöperation of the public in accomplishing this object. In addition to sending out the circulars the secretary also conducted a considerable correspondence in the interest of the society. Students who had done work during the summer were requested to file a report with the secretary. Dr. C. H. Brough, of the chair of Economics, being introduced, delivered an enthusiastic address on the work of such societies. D. K. Sadler was elected treasurer to succeed Rupert Taylor, who, having graduated, did not return to the University. The meeting adjourned subject to the call of the chairman.

PROCEEDINGS OF THE FIRST MEETING OF THE ARKANSAS HISTORICAL ASSOCIATION.

It soon became apparent to the secretary that the society was too circumscribed to accomplish much so long as it remained purely a student organization. He presented this view to a meeting of the society held in the hall of the Garland Literary Society on the afternoon of December 18, 1903. The meeting was presided over by the president, W. O. Wilson. The secretary at some length explained the limitations under which the society was working, that friends of the movement outside of the University were interested and wanted to join the society, that it would probably be well to reorganize on a broader basis, elect officers outside of the University and to undertake new lines of work. The society adopted the suggestions, reorganized by amending its constitution, and elected the following officers:

Judge U. M. Rose, Little Rock, president.
Doctor C. H. Brough, Fayetteville, 1st vice president.
Professor J. S. King, Arkadelphia, 2d vice president.
Doctor D. Y. Thomas, Conway, 3d vice president.
President E. R. Long, Batesville, 4th vice president.
Hon. R. J. Wilson, Fayetteville, treasurer.
Professor J. H. Reynolds, Fayetteville, secretary.

After reorganization Dr. Brough addressed the society on what the members might do for the society and the secretary told some anecdotes concerning Major Elias Rector and Albert Pike.

At a called meeting in January, 1904, the secretary reported that Judge Rose, while friendly to the movement, declined to accept any office. Hon. James K. Jones was then elected president. The name of the organization was also changed, the word "association" being substituted for "society," to avoid confusion with an organization by that name at Little Rock.

PROCEEDINGS OF THE SECOND REGULAR MEETING OF THE ARKANSAS HISTORICAL ASSOCIATION.

The above is a record of the proceedings of what may be regarded as the first regular meeting and of a called meeting of the Arkansas Historical Association, because the December meeting was the time when the organization assumed its present form. No meetings were held from 1904 to 1906, because it was doubted whether the interest would justify calling the association together. It was hoped that after issuing the first volume of its Publications, sufficient interest would be aroused to secure the attendance of a respectable number. February 14, 1907, the second regular meeting of the association was held in connection with the midwinter meeting of the Arkansas Press Association and by invitation of the latter body. As it was a joint meeting of the two associations and for only one day, no effort was made to provide an elaborate program. It must be confessed that this meeting was poorly attended though ample notices had been given. The only paper presented by the historical association was one read by the secretary on the

plans and policy of that association. It was designed to acquaint the members of the two organizations with the plans for the historical association, which its officers desired to carry out. The press association extended its thanks for the paper and congratulated the association upon the first volume of the Publications. At the morning session the secretary, in the absence of the president and vice president of the historical assocation, appointed a nominating committee, consisting of Dr. A. C. Millar, Col. Geo. Thornburgh and Hon. John R. Jobe, and requested them to report at a meeting of the association at 1:30 in the afternoon. At the hour appointed the secretary called the house to order and stated that the purpose of the meeting was the election of officers. The members elected as acting president Hon. A. M. Ward of Clarksville, who took the chair and called for the report of the nominating committee appointed in the forenoon. This committee reported through Hon. John R. Jobe, recommending the following names for officers of the historical association.

Col. V. Y. Cook, Newport, president.
Dr. A. C. Millar, Little Rock, 1st vice president.
President E. R. Long, Batesville, 2d vice president.
President J. W. Conger, Arkadelphia, 3d vice president.
Judge Jacob Trieber, Little Rock, 4th vice president.
Hon. R. J. Wilson, Fayetteville, treasurer.
Professor J. H. Reynolds, Fayetteville, secretary.

The report of the committee was adopted and the persons named were declared elected to the respective offices. At the invitation of the press association the historical association agreed to meet annually with that body hereafter. The association then adjourned.

PROCEEDINGS OF THE THIRD REGULAR MEETING OF THE ARKANSAS HISTORICAL ASSOCIATION.

The third regular meeting of the Arkansas Historical Association met in the traveler's rest room of the Hotel Marion at Little Rock May 22, 1908. No midwinter meeting of the press association was held. The secretary of the historical association, by correspondence with the corresponding secretary

of the press association, arranged for the two associations to meet at the same time and to have at least one joint session. The secretary gave wide publicity to the meeting and arranged for a full day's program. The results were highly gratifying. While the attendance was not large, some of the most prominent people of the State were present and took part in the proceedings. The meeting was enthusiastic from the beginning to the end. Indeed it was difficult to secure final adjournment at six o'clock in the afternoon. Among those present may be mentioned the following: Dr. A. C. Millar, Col. Benjamin S. Johnson, Judge E. W. Winfield, Messrs. Fay Hempstead, J. Kellogg, J. R. Fordyce, Geo. Thornburgh, Rev. and Mrs. Charles R. Hyde, Mrs. Myra McAlmont Vaughan, Mrs. J. E. Williams, Mrs. Bernie Babcock, all of Little Rock; Mrs. Laura Scott Butler, Arkadelphia; Hon. W. H. Langford, Pine Bluff; Dr. J. H. Cuffman, Benton; Hon. Geo. W. Donaghey, Conway; and Hon. H. B. McKenzie, Prescott.

Col. V. Y. Cook, the president, through the secretary sent his regrets that pressing engagements prevented his attendance. The association met at nine o'clock and was presided over by the first vice president, Dr. A. C. Millar, of Little Rock. "Should the Arkansas Historical Association seek the old state house or quarters in the new capitol as a permanent home?" was the first question considered. Hon. Geo. W. Donaghey, Democratic nominee for governor, discussed the physical condition of the old state house. Being a contractor Mr. Donaghey was in position to speak with authority on the subject. He expressed interest in the cause for which the association stood. He spoke in high terms of the simple grandeur of the old state house, said that it could and should be preserved, but that it would cost something to put it in fit condition for occupancy by the association. Mr. Donaghey was followed by Dr. A. C. Millar on the expediency of the association seeking to have the old state house set apart as a library and museum of Arkansas history. He was emphatic in declaring for the proposition. He thought it would be a disgrace for the State to have the building destroyed. It should be preserved as a monument of the past and it could not be put to a more appropriate use than

as a library, museum and art gallery of Arkansas history. After the regular discussion Col. Benjamin S. Johnson was called upon to state whether there was any legal difficulty in the way of the State using the old state house as a home for the historical association and similar patriotic societies. Col. Johnson had just recently examined the title of the State to the ground on which the building is located and found that there was no legal bar to the State using it for any purpose that it might elect. Mr. Fay Hempstead joined in this discussion. He, too, favored the use of the old state house for historical purposes. He thought the State should allow no financial consideration to cause the sale of the property. The patriotic sentiments of the people should compel its preservation. On motion of Mr. Hempstead the following resolution was adopted:

"That it is the sense of the Arkansas Historical Association here assembled that the general assembly should preserve the old state house for a library, museum, and art gallery of Arkansas history."

The second feature of the program was a paper giving the history of the first historical society of Arkansas by Mrs. Myra McAlmont Vaughan of Little Rock. She found that the society was incorporated in 1837 under the name, "The Antiquarian and Historical Society of the State of Arkansas." She traced the history of this society as recorded in the files of the *Arkansas Gazette*. The society interested itself particularly in aboriginal and Indian relics and made a small collection. She found no references to the society after 1842. The paper forms a chapter in this volume.

On motion the president appointed a nominating committee consisting of Col. Benjamin S. Johnson and Hon. W. H. Langford, and an auditing committee composed of Messrs. Fay Hempstead and J. H. Cuffman. At eleven o'clock the historical association adjourned to accept an invitation for a joint session with the press association in the senate chamber at the state house. According to a previous arrangement Professor J. H. Reynolds, of the historical association, addressed the joint meeting on "A Comprehensive Historical Policy for Arkansas." In addition to the members of the historical association there were present at this meeting the leading editors of the State.

The address was designed to define a comprehensive policy which the State and historical association should adopt and carry out for years to come. The secretary took advantage of this occasion to get clearly before this representative body of citizens the imperative need for historical work in the State and well defined ideas as to what steps should be taken in the premises. He insisted that the work was of such a character and so great as to require the co-operation of both the citizen and the State; that the citizens could work through the historical association and the State could work through both the association and the history commission. He said the association should continue to issue periodically its publications aided by state appropriations; that the State should create a permanent history commission with a salaried secretary, with headquarters at the state capitol, whose duties should be to classify and preserve state and local archives, to build up at the capitol a library, museum and art gallery rich in local historical material, and to publish a series of state papers and war records. The paper appears in another connection in this volume. The press association by a rising vote expressed their hearty endorsement of the work of the historical association. There is a close relation between the press and the historical associations, as editors are members of the latter association without fee.

At two o'clock the historical association reconvened in the traveler's rest room of the Hotel Marion. Senator H. B. McKenzie addressed the association on senate bill forty-seven.[1] This was a bill introduced into the senate by Hon. John I. Moore, of Helena, January 22, 1907, providing for a permanent history commission with a salaried secretary and appropriating funds for continuing the publications of the historical association. Senator McKenzie, after an analysis of the provisions of the measure, expressed his hearty approval of it as a whole. He suggested some minor changes in the bill and pointed out that the great difficulty to be overcome in the passage of the measure was indifference and a general lack of interest.

[1]For a brief history of the bill, see the Administration Report of the history commission in this volume.

The next paper was written by Mrs. R. B. Willis, of Newport, on the "Relation of Women's Organizations to the Conservation of History." In the absence of Mrs. Willis the paper was read by Mrs. J. E. Williams, of Little Rock. Mrs. Willis told in an eloquent manner the achievements of woman; she stated, however, that her achievements had for the most part been by individual and not by organized effort, that she had not done much in the field of preserving history; this she had left to men. In more recent years, however, women's clubs were taking some interest in historical work. In this connection was mentioned the Daughters of the American Revolution, the Daughters of the Confederacy, and the Arkansas Federation of Women's Clubs. The latter organization was working with the Arkansas Historical Association in the matter of collecting and preserving the source material of Arkansas history. The paper was well received and showed that the women were taking quite as important a part in the new historical movement as were the men.

"The Historical Relics of Arkansas and their Preservation" was the subject of two interesting papers read by Rt. Rev. J. M. Lucey, of Pine Bluff, and by Mr. H. L. Stoddard, of Stuttgart. Father Lucey called attention to the fact that Arkansas is a rich field for relics of the mound builders and of the Indians, that her mounds have furnished relics for many museums in other states, that she was not without Civil War relics, and that every consideration of civic pride and patriotism imposed upon the State the sacred duty of collecting and preserving the relics within her borders. Mr. Stoddard was equally emphatic in his declarations on the subject. He was especially sharp in his criticisms of representatives of museums out of the State coming into Arkansas and without permission robbing her mounds. Mr. Stoddard is an archæologist and appreciates the importance of our mounds. It was apparent from his paper that the State had been regarded by relic hunters as a "no man's land" or kind of "neutral zone" into which they were free to go and rob the mounds with impunity. In connection with his paper Mr. Stoddard honored the association by the first public display of some rare relics in his possession and by an interpretation of their symbols. These relics were found in the

Menard Mounds in Arkansas County and promise to become famous. An explanation of their meaning is to be found in a chapter by Mr. Stoddard in volume I. of the Publications of the Arkansas Historical Association, p. 455. He proposes to loan them to the association when the State provides adequate quarters so as to guarantee their safe keeping.

At this point the committee on nominations made its report as follows:

Dr. A. C. Millar, Little Rock, president.
Professor J. H. Reynolds, Fayetteville, secretary.
Hon. R. J. Wilson, Fayetteville, treasurer.
Col. A. S. Morgan, Camden, 1st vice president.
Gen. B. W. Green, Little Rock, 2d vice president.
Judge J. M. Hill, Ft. Smith, 3d vice president.
Judge Jacob Trieber, Little Rock, 4th vice president.

The report was adopted. The auditing committee made the following report:

"Your committee to audit the books of the secretary and treasurer respectfully report that we have performed that duty and find the books correct, showing a balance in the treasury of $15.40. An outstanding indebtedness of $88.10 as balance due on printing volume one of Publications of this association is reported by the secretary.

Very respectfully submitted,
FAY HEMPSTEAD,
J. H. CUFFMAN,
Auditing Committee."

Mr. Fay Hempstead, who, as secretary of the now defunct Arkansas Historical Society, had collected a large body of historical material in the form of the publications of learned and historical societies, addressed the association, explaining the character of the collection and his willingness to turn them over to the Arkansas Historical Association, provided the State gave to said association ample quarters for their permanent preservation. The members were especially gratified to hear this announcement and, upon motion of Col. Johnson, adopted the following resolution:

"That the Arkansas Historical Association hereby earnestly request Mr. Hempstead not to part with said collection until after the adjournment of the next general assembly, it being the hope of this association that that body will create a permanent history commission and will provide ample quarters for a library, museum and art gallery of Arkansas history."

The association adjourned at six o'clock.

ADMINISTRATIVE REPORT.

To His Excellency, the Governor of Arkansas, Little Rock:

The Arkansas History Commission herewith submits its report in accordance with the provisions of an act of the general assembly approved May 28, 1907, a copy of which will be found in appendix A at the end of this report. The act provided for the continuation of the commission as created by act approved April 27, 1905, a copy of which is found in the Publication of the Arkansas Historical Association, vol. I., p. 7, and in the session acts of 1905. The law of 1907 requires the commission to edit and publish volume II. of the Publications of the Arkansas Historical Association and to file with the governor a report of its work. The act is a temporary measure passed to bridge over a period of two years, so as to give the commission and the general assembly time to work out a permanent historical policy for the State, which, it was hoped, would be ready for incorporation into a law by 1909.

LEGISLATION.

The commission and the historical association submitted two years ago what they regarded as a good plan for permanently organizing the historical work of the State and it was introduced into the senate January 22, 1907, by Hon. John I. Moore of Helena, and took its place on the calendar as senate bill 47. Unfortunately for the measure the illness of Governor Little called Senator Moore to the chief executive's office. His new duties so occupied his time that he could not give the bill further attention. It was read the second time and referred to the committee on education. Before this committee the chairman and secretary of the history commission appeared on behalf of the bill. The members of the committee were somewhat divided in their sympathies, and, in the absence of some one specifically responsible for the bill, they reported it without recommendation. On March 14 the senate, in committee of the whole, amended it slightly and recommended its passage. Seven days later the amendment was read the first and second times and the bill as amended was ordered en-

grossed. March 28 Senator J. W. Thompson of Washington County called up the measure, had it placed upon its third reading and final passage, and made an earnest fight for it, in fact the last important public work of his life; for he took sick that night and died a few days later. The vote stood sixteen for and thirteen against, with some four or five friends of the bill absent. The president *pro tempore* ruled that it required a two-thirds majority to pass the bill, as it carried an appropriation for a cause not necessary to the maintenance of the state government. For that reason he held that it had failed to pass. The friends of the measure were not satisfied with this decision and appealed in vain from the chair's ruling. In view of Senator Thompson's illness the bill was allowed to stand defeated, though it was possible to get a majority of even two-thirds.

As the end of the session of the general assembly was approaching, Hon. H. B. McKenzie of Prescott, at the request of the secretary of the commission, introduced and hurriedly pushed through the upper house senate bill 400, the present temporary law. In the house it did not move so rapidly. In fact there were so many bills being pushed in the closing days of the session, that its passage was improbable. However, it had some staunch friends in the house, who faithfully stood by it, such as Simpson, Fletcher, Du Laney, Coleman, and others. It was, however, not until the last morning of the session that these men, led by Hon. W. E. Simpson, by heroic efforts were able to have it put on final passage. The cause was thus saved a serious blow which it would have suffered, if the State had rendered no assistance for the last two years.

THE WORK OF THE COMMISSION.

The commission has carried out faithfully the duties imposed by the act. As the records of the meetings of the commission will show in part its work, they are here reproduced:

Proceedings of the Meeting of the Arkansas History Commission held June 15, 1907.

At the call of the chairman, Col. Benj. S. Johnson, the commission met at his office in Little Rock at 11 o'clock June 15, 1907. Present: Benjamin S. Johnson, of Little Rock, chairman, Charles D. Greaves, of Hot Springs, W. H. Langford, of Pine Bluff, and J. H. Reynolds, of Fayetteville, secretary. Absent: R. J. Wilson, of Fayetteville. The secretary was called upon to make his report of the work done since the last meeting of the commission. He reported that he had collected and edited the material for the first volume of the Publications of the Arkansas Historical Association, that he and Hon. R. J. Wilson as a committee of the commission had by competitive bids awarded the contract for printing said volume to the Democrat Printing and Lithographing Company of Little Rock, that he had supervised the execution of the contract, had read all proof of said volume, had sent out copies to all subscribers, and had on hand quite a number of unsold copies. He further reported that the appropriation by the general assembly was not sufficient to pay for the printing and distribution of the volume by several hundred dollars, that the Arkansas Historical Association had paid on said debt $303, and would continue to pay on it as its membership dues came in until the balance of the debt was paid, which at the time of the meeting amounted to $238.10. The secretary also reported on the efforts that were made before the last session of the general assembly to secure a permanent organization of historical work in the State; he told of the defeat of senate bill 47 and of the passage of senate bill 400, providing for the continuation of the commission's work two more years.

The commission then discussed plans for its future work. It was decided that the general character of volume II. of the Publications provided for in the act should be the same as that found in Book 2 of volume I. of the Publications. The secretary was instructed to edit the volume and to proceed at once with the work of compiling and collecting material for the next volume, and to secure additional information with

respect to the organization of local historical work in other states.

Proceedings of the Meeting of the Arkansas History Commission held May 22, 1908.

At the call of the chairman, Col. Benjamin S. Johnson, the commission met in his office in Little Rock at 12 o'clock May 22, 1908. Present: Benjamin S. Johnson, chairman, W. H. Lankford, of Pine Bluff, and J. H. Reynolds, of Fayetteville, secretary. Absent: Chas. D. Greaves, of Hot Springs and R. J. Wilson, of Fayetteville. By invitation the newly elected president of the Arkansas Historical Association, Dr. A. C. Millar, of Little Rock, was invited to meet with the commission. The secretary's report for the year was submitted. The report showed that, in his capacity as secretary of the historical association, he had raised and applied on the debt incurred in publishing the first volume since the last meeting of the commission $150, leaving a balance unpaid of $88.10. In his editorial work he had secured and engaged together about enough matter for the second volume. In his effort to secure more detailed information respecting historical work in other states he had attended, during the Christmas holidays, the meeting of the state history commissions and state historical associations of the United States held at Madison, Wisconsin, in connection with the American Historical Association. He reported that there he met with the leaders in local and national historical work of America and secured first hand information. He held personal conferences with many of them and thought the information thus secured would materially assist the commission and the association when they were ready to make recommendations respecting a future historical policy for the State. In fact he had embodied a brief statement of the results of this investigation in an address before the joint meeting of the press and historical associations delivered in the forenoon of the day of the meeting of the commission. The commission directed the secretary to put into pamphlet form this address and to distribute the same freely among the people of the State with a view to crystallizing public opinion on the

best methods for Arkansas to adopt in collecting, publishing and caring for her history. Hon. R. J. Wilson and the secretary were appointed a sub-committee to secure bids, let the contract, and supervise the printing of volume II. of the Publications of the Arkansas Historical Association.

Administration of Funds.

For the most part the expenses of the commission are incurred by the secretary for stamps, stationery, clerk's hire, and printing. He takes receipts for all expenditures made on behalf of the commission. At intervals he makes out an itemized account against the appropriation embracing the expenses covered by his vouchers, submits this statement to Hon. R. J. Wilson, the auditing committeeman of the commission, and to the chairman. Upon their approval the account is sent to the auditor who issues a warrant. The itemized statements of all these expenses are in the auditor's office and the receipts for the same are on file in the office of the secretary of the commission. The largest item is for printing the Publications. The account for this work is allowed in the same manner except that it is paid directly to the printing company.

Future Policy.

With respect to a future historical policy for the State to adopt, the commission respectfully refers you to its recommendations made in the report two years ago, which will be found in the Publications of the Arkansas Historical Association, I., 33-42. The commission here renews the recommendations there made except in one particular. There the creation of a department of history and archives was recommended, with a director equal in dignity and rank with the head of any other department of state government. The constitutional prohibition on the general assembly to create a permanent state office not provided for in the constitution stands in the way of this recommendation. The commission appreciated that difficulty at the time and advised a temporary officer at the head of the department, to be renewed every two years until the constitution is changed. But such a method would not guarantee perma-

nency; far-reaching plans and policies would not be laid out and followed as they could and would be if the department was not dependent upon each successive legislature for its life. For that reason the commission recommends that the same work there proposed for the department be imposed upon a permanent unpaid history commission with a salaried secretary. This plan accomplishes the same end and avoids the constitutional difficulty mentioned. For a fuller presentment of the views of the commission on the subject, in addition to its recommendations of two years ago, you are respectfully referred to appendix C, which is an address by the secretary of the commission delivered before the joint meeting of the Arkansas Press and Arkansas Historical Associations at Little Rock May 22, 1908. This address embodies his views after his special study of the subject at a gathering of the several state history commissions and state historical societies of the United States at Madison, Wisconsin. The commission hereby makes that address a part of its report and recommends the plan there set forth as a permanent historical policy for Arkansas.

Immediate Action.

The commission also wishes to emphasize the absolute necessity of immediate action by the State. The new state house is nearing completion and in a short time the state archives will have to be moved to their new home. An expert archivist who appreciates the historical value of papers should supervise the moving of the records and papers, especially those in the basement. Such a man the secretary of the permanent history commission here recommended would be. If the removal of these archives is left to a careless janitor or a drayman, as is ordinarily done, there will be irreparable loss. As the completion of the capitol has been delayed, the State perhaps lost but little in the failure of the general assembly to pass senate bill 47 two years ago. However, a failure to provide for the permanent organization of state historical work at the next session of the general assembly would probably mean that Arkansas history would sustain a greater loss in the next two years than it has in any other quarter of a century. This is true because of the imper-

ative need of some one who appreciates the historical significance of papers to supervise the removal to the new state house of the records and papers of the government.

Old State House.

The commission entertains the same view in regard to the future use of the old state house as do the Arkansas Historical Association and other patriotic societies. It should be set apart as a library, art gallery and museum of Arkansas history, in which a permanent history commission, the historical association, Confederate Veterans, and other patriotic organizations may place their collections. It is not proposed that the State donate this property; the title should remain in the State. The care of her archives and the preservation of her history is a public function; and if the old state house were used for this purpose, the State would be carrying on that part of her public service there, just as she would be conducting the work of administering justice or of education at the new state house. No other use of the building could be more appropriate. It should be preserved as a monument of the past, constantly to awaken in the living sacred memories and to stimulate in generations unborn patriotic sentiments. The permanent organization of local historical work as here recommended, and the setting apart of the old state house for historical and patriotic purposes, will reflect more honor upon this generation than any other public act, even including the building of the new capitol. It will reflect more credit upon Arkansas abroad than can any possible material development. Our own children and their descendants for ages to come will honor us for it. Such an act would at once belie the popular view of the State entertained abroad, and would be a declaration to the world that the people of Arkansas are a people of noble sentiments and of high ideals.

No thought of the destruction of the building and the sale of the lot for commercial purposes should be entertained for a moment. It would do violence to the holiest public sentiments of thousands of our best citizens; it would confirm in the people abroad the popular view of the citizenship of Arkansas;

it would bring to the cheeks of our children's children the blush of shame. Arkansas is rich; she does not need the money. Let her do this big hearted, noble act. She is on trial. Let her rise to the occasion. A fitting conclusion is the commission's own words two years ago:

"The State has expended millions in making history; will she not spend a few thousands in preserving it? Arkansas has been much abused and is still misunderstood. Perhaps no other one thing would do so much to set her right before the world and to raise her in the estimation of proud spirited people as for her to provide liberally for the collection, preservation and publication of the source material of her history. What place she shall take in the annals of history will largely depend upon her action on these recommendations."

Respectfully submitted,

BENJAMIN S. JOHNSON,
W. H. LANGFORD,
CHAS. D. GREAVES,
R. J. WILSON,
J. H. REYNOLDS.

Fayetteville, Ark., September 1, 1908.

APPENDIX A.

Senate Bill No. 400.

An act to provide for continuing the work of the Arkansas History Commission and for printing and distributing volume II. of the Publications of the Arkansas Historical Association:

Be it enacted by the general assembly of the State of Arkansas:

Section 1. The Arkansas History Commission created by act filed with the secretary of state April 27, 1905, is hereby continued and said commission is hereby authorized to continue its work in accordance with the provisions of said act and with plans already projected by the commission. It shall be the duty of its secretary to file with the governor by January 1, 1909, a report, setting forth in detail the work of the commission.

Section 2. That there is hereby appropriated out of any funds in the state treasury not otherwise appropriated, to enable the commission to carry forward its work and to pay for editing, printing, and distributing volume II of the Publications of the Arkansas Historical Association to be gotten out under the supervision of the history commission, $1,600.

Provided, that the commission shall receive no compensation for its services; only the necessary expenses incurred by its members in doing official work shall be allowed. Approved May 28, 1907.

APPENDIX B.

Senate Bill No. 47.

Moore.

An act to create the Arkansas History Commission, to define its duties and to make appropriations for its maintenance and for printing and distributing the Publications of the Arkansas Historical Association.

Section 1. That there is hereby created and established the Arkansas History Commission under the auspices of the Arkansas Historical Association. The headquarters of the commission shall be at the state capitol in apartments to be set aside for its use by the governor. The object and purposes of said commission are the care and the custody of official archives, the collection of material bearing on the history of the State from the earliest time, the editing of official records and other historical material, the encouragement of historical work and research, and the performance of such other work as may be required by law.

Sec. 2. That the said commission shall consist of the governor, the chief justice of the supreme court, the president of the University of Arkansas, the members of the present Arkansas History Commission, and one other to be selected by the president of the Arkansas Historical Association from the membership of the said association. At the first meeting of the commission the six appointive members by lot shall divide themselves into three equal classes. The term of service of the first class shall expire at the end of two years, of the second class at the end of four years, of the third class at the end of six years. The beginning of the several terms of service for the purpose of this act shall be January 1, 1907. The commission

shall have authority and it is hereby made its duty to fill all vacancies occurring therein, whether by expiration of term of service or by death or resignation, but the names of all newly elected members shall be communicated to the next ensuing session of the state senate for confirmation, and in case it shall reject any of said names, the senate shall proceed forthwith to fill the vacancy or vacancies by election. All the commissioners chosen to succeed the present members or their successors, whose term shall have expired, shall serve for a term of six years, and appointees to fill vacancies by death or resignation shall serve only the unexpired terms of their predecessors. The said commission shall hold at the state capitol at least one regular meeting during the year and as many special meetings as may be necessary, and at said meetings five members shall constitute a quorum. The commission shall receive no compensation for its services; only the necessary expenses incurred by the members in attending meetings shall be allowed. The commission is empowered to adopt rules for its own government and for the conduct of the business committed to its charge, to elect a secretary, and to perform all other acts necessary to carry out the purposes of this act. The commission may call upon the governor for such room in the new capitol as its needs require and it is hereby made the duty of the governor to set apart said room for the exclusive use of the commission.

Sec. 3. It shall be the duty of the commission to receive, classify and arrange convenient for public use all official archives that may come into its custody; to take charge of and to care for the archives now in the basement of the old capitol and to supervise their removal to the new state house; to prepare for publication an inventory of the official archives in the several departments of state government; to assist by plans and by the service of its secretary the several state officials in the removal of their archives to the new capitol; to collect and preserve all files of such Arkansas newspapers as may be presented to the commission and to bind such of them as the funds of the commission will permit; to have repainted or re-

touched the old pictures now at the state house; to collect the portraits of pioneers, of eminent Arkansans, and the pictures of historic homes and scenes; to collect and preserve aboriginal and Indian relics and memorials of the Mexican and Civil wars; to collect, classify and preserve all manuscripts, diaries, journals, and papers of historical value pertaining to Arkansas and Arkansans; to collect and prepare for publication data pertaining to the soldiers from Arkansas in the war between the states; to select, edit and publish such state papers as the resources at its command will justify; to co-operate with the secretary of the Arkansas Historical Association in preparing and publishing the future publications of said association, to build up at the state capitol a museum, art gallery, and library, rich in the sources of Arkansas history; to submit to the governor a biennial report, setting forth in detail the work of the commission. All records, papers, archives and historical material coming into the possession of the commission shall be and remain the property of the State; said commission shall act merely in the capacity of a trustee for the State.

Sec. 4. The agent of the commission in carrying out the provisions of this act shall be a secretary elected by the commission, who shall serve until his successor is elected and installed. He shall devote his entire time to the work of the commission, for which he shall receive $1500 a year. It shall be the duty of said secretary to carry out the provisions of this act under the rules and instructions laid down by the commission.

Sec. 5. That any state, county or other official is hereby authorized and empowered at his discretion to turn over to the commission for permanent preservation any official books, records, documents, original papers, and newspaper files not in current use in his office. When so surrendered, copies therefrom shall be made and certified to by the secretary of the commission upon the application of any person interested, which certification shall have all the force and effect as if made by the officer originally in the custody of them and for which the same fee shall be charged to be collected in advance.

Sec. 6. That there shall be placed at the disposal of the commission sixty copies of every state publication except the supreme court reports, the same to be used by the commission in exchanging with other states and societies for their publications.

Sec. 7. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any funds in the state treasury not otherwise appropriated, for the purpose of providing for the maintenance of the commission and to aid the Arkansas Historical Association in printing and distributing its publications:

Salary of secretary of commission for two years....$3000.
Maintenance and traveling expense of commission and secretary and furnishing rooms..... 1200.
Retouching or repainting old portraits and binding newspapers ..... 200.
Printing and distributing Publications of Arkansas Historical Association ..... 2000.

That the auditor is hereby authorized to issue warrants for the payment of all or any part of the above sums in such manner as the commission may authorize. All printing, blanks, stationery, circulars, notices or forms, which may be required for the use of the commission or its secretary, shall be executed by the public printer and shall be paid for as other official work done by him.

Senate amendment to section 2: Provided that if the State should set aside the old state house for historical and other purposes, the commission shall make that building its headquarters and shall keep there its historical collections.

APPENDIX C.

A COMPREHENSIVE HISTORICAL POLICY FOR ARKANSAS.*

To the members of the press association I wish to extend the thanks of the Arkansas Historical Association for the privilege accorded one of its members to address you on this occasion. It is the strong helping the weak. A patriotic cause such as I have the honor to represent appeals strongly to you; for as a body there is probably no other class of our citizenship so public spirited as are the big hearted people of the press association. We thank you most heartily for this opportunity of pleading our cause before you.

EXACTING DEMANDS OF MODERN SCIENTIFIC METHODS OF HISTORY STUDY.

The object of all investigation is the truth. History is to furnish the truth. To be accepted and of value her testimony must be based on the best of evidence, for scientific study of history follows the laws governing the admissibility of evidence. It is a fundamental canon of historical research that the documentary material, such as official records, charters, letters, diaries, and journals are the best sources upon which history can base her verdict, and, as Lord Acton says, are the only history above evasion or dispute. But what if these sources are lost or destroyed? It simply means that an accurate history cannot be written.

We of the South complain that northern historians do injustice to the South. If so, why? Can the historian do other-

*Address delivered by Professor Reynolds at a joint meeting of the Arkansas Press and the Arkansas Historical Associations at Little Rock, May 22, 1908. Printed and distributed by order of the Arkansas History Commission.

wise than to use the facts at his command? Can the contractor with poor material build a good structure? What does the North do for her historians? She is diligent in preserving for them all the data needed for their work. What have we of the South done? Have we placed the facts of southern history at the command of even our own historians? Where are our libraries, diaries, journals, private papers, newspaper files, yea, even our public records? They have vanished like the mist before the rising sun. Contrast the paucity of such material at the South with the great libraries at the North, rich in local history. Run your eyes along the well-filled shelves of the published archives of, say, Massachusetts. Examine them more closely and you will see that, there preserved in printed form for all the ages, are the archives of not only the state, but of local, governments throughout her history. If you want to know the official acts of the town meeting of Boston, or of some obscure village during the stormy days of the American Revolution, you will find them preserved here in these volumes. This is typical of other northern states. Is it any wonder that the northern historians in writing text-books for schools write more on northern men and events than on southern? Is it any wonder that the southern historian cannot produce a satisfactory history when the facts are not at his command? The historian might be ever so fair and honest, he cannot write a true history without material. Then who is to blame, we for neglecting to preserve the source material or the northern historian for writing a one-sided history? It is not a question as to who will write our history, but whether it can be written at all. That in turn depends upon whether our records and sources are preserved. To us is assigned this duty. Will the trust be performed?

OUR NEGLECT.

With respect to Arkansas' neglect of her history, the Arkansas History Commission in their published report to the governor two years ago has this to say:

"Our neglect is all but a crime. Much valuable historical material has been permanently lost. With every day passes away some important

record. The condition of the records at the state house is little less than a disgrace. They are damp; rats and mice, worms and decay, are rapidly destroying them. Some are falling to pieces, while still others have nothing but the covers left. Among these papers are the most important records of the State, such as those of the military board and of the adjutant general's office."

We have also failed to appreciate the historical value of newspapers. In this neglect the newspaper men themselves will have to bear their part of the blame. In preparing a list of Arkansas newspaper files now extant, I was profoundly astonished to find so few. Newspapers are invaluable historical sources; they picture rather accurately the spirit and life of the people. They mirror the sentiments, manners, prejudices, customs and events of the community in which they are published. With them the historian and the historical novelist can re-habilitate the past. On this subject L. D. Carver, state librarian of Maine, has this to say:

"So it is that the newspapers of today record the daily acts of the neighborhood, the state or an empire; acts which may rise to glorify people long after their bones have crumbled to dust, and their national existence ceased; acts which stand out on the printed page to meet the eye of the critic, the historian, and the student of history; hence an unassailable witness to our honor or shame in all times to come. To the end that our life with its hopes and fears, with its faith and courage, with its success and failures, may be fully understood and appreciated, and fully described by those who come after us, let us labor unceasingly to preserve the fullest and best records the people can transmit to their successors—a file of the newspapers of our own day and generation."

Acting upon this principle all of the New England states and most of those of the north central section are gathering and binding their newspapers through the agency of their state historical societies or departments of history.

OTHER STATES.

KANSAS.—For Patrick Henry experience was the lamp by which his feet were guided. In order to ascertain what light this lamp would throw on this question, I collected the laws and studied the historical work of most of the American states. The testimony of three or four typical states is here submitted for our instruction. In 1877 Kansas appropriated one thousand dollars to aid the Kansas Historical Society. Subsequent legislatures have continued this aid until now the society is one of the most important departments of the State. Kansas

now values its work so highly as to allow the society $5,640 a year besides printing. The society occupies commodious quarters at the state capitol and it has collected a library of 23,794 volumes, 70,008 pamphlets, 25,315 volumes of newspapers, 23,000 manuscripts, 6,477 relics, 5,354 pictures, and 5,001 atlases, maps and charts. Its possessions are now valued at $200,000.00.

Wisconsin.—During the Christmas holidays, while attending the meetings of the American Historical Association and of the historical societies of American states at Madison, Wisconsin, I had the privilege of visiting the Wisconsin Historical Society—a society which has done the greatest work of any such society in America. Aided liberally by the State, the society has published two or three histories of the State, a roster of the Federal veterans from Wisconsin, fifteen volumes of Collections, and has collected the richest historical library in the West. The State has erected for it the best library building west of Washington City and first and last has appropriated for the society over $1,000,000.00. Its local manuscript collection is the richest in America, and its bound newspaper files run up into the thousands. It is the pride of the State.

Alabama.—The record of some of our sister states at the South in collecting, preserving and publishing local history is brilliant. At the head of the list stands Alabama. Her historical society, aided by the State, has within the last decade issued several volumes of publications, and in 1901 induced the legislature to create a department of history and archives, a regular department of state government with a director equal in dignity and importance with the head of other departments. The department is maintained at an annual expense of about $6,500.00. The director has compiled a roster of all Confederate veterans from Alabama, has classified and arranged the archives of the State, has built up a library rich in books, newspaper files, manuscripts and journals bearing on Alabama history; a museum full of war and aboriginal relics; an art gallery, adorned with paintings and pictures of eminent Alabamians What has been said of Alabama is true of Mississippi. The work of Thomas M. Owen of Alabama and Franklin L.

Riley and Dunbar Roland of Mississippi is destined to take rank along side that of Rueben G. Thwaites of Wisconsin. The splendid achievements of the four states named is complimentary to the civic spirit and the patriotism of the people.

POLICY FOR ARKANSAS.

But the practical question for us is what should our own State do? Arkansas has already made a splendid beginning. For the work of collecting, preserving and publishing the source material of our history, the Arkansas Historical Association was organized in December, 1903. It has made a heroic struggle for existence. A few friends have loyally stood by it, some with their money and others with their time. Perhaps no other association can make such a remarkable showing of results actually achieved as can this one in the short time and with the limited means at its disposal. Within three years it has not only maintained its existence against almost insuperable odds, but has secured legislative recognition, has conducted an exhaustive investigation into the source material of our history and has published a volume of over 500 pages which has received the most flattering endorsements from historical experts all over the country, such as Dr. Rueben G. Thwaites of Wisconsin and Dr. James W. Garner of the University of Illinois.

I. PUBLICATIONS.—The first and foremost element in any permanent historical policy is the continuation of the publications of the Arkansas Historical Association. This organization has shown that it has in it the elements of success and should receive energetic support. Publications are essential to the life and usefulness of the association. Unless it issues publications periodically, it will soon languish and die. Addresses and public discussions at annual meetings soon pass away; published works remain. For the first eight years of the Mississippi Historical Society when no effort was made to publish, only two papers were submitted for preservation, while in the next eight years, when the society was issuing annual publications, 182 such papers were presented. This experience shows that publications powerfully stimulate historical effort. The periodical volumes issued by the association should embrace accurate and

exhaustive chapters on all phases of the State's history—educational, political, religious, legal, social, military and industrial.

The Arkansas Historical Association is the agency through which these publications should be issued, for it is the only agency by which the State can enlist the services of scholars and investigators. Small appropriations for this purpose will be productive of large results for the simple reason that it will stimulate much private work for which the State will not have to pay.

II. SERIES OF STATE PAPERS.—Still another line of publications should be issued—a series of state papers. This set of volumes should embrace the publication serially and according to a well-digested plan of all of the more important official archives of the State, thus making available to the students this rich source of history. This series of publications might embrace the following: (a) charters, organic acts, proclamations and constitutions from the Spanish occupation to the present; (b) Spanish and French archives bearing on Arkansas history; (c) archives of the territorial period, embracing local and Federal records and papers; (d) executive documents, embracing governors' proclamations and unpublished departmental reports; (e) miscellaneous papers, unpublished official papers of state banks, schools, University and internal improvements; (f) war records, containing the records and rosters of all Arkansas soldiers in all wars in which our people have participated. This series of state papers should be published by the Arkansas History Commission through its secretary.

III. A PERMANENT HISTORY COMMISSION WITH A SALARIED SECRETARY.—The State should create a permanent history commission consisting of seven or nine men appointed in such manner as to divorce it from politics. Nothing but the traveling expenses of the commission should be paid. The executive agent of the commission should be a salaried secretary, who, under the direction of the commission, should devote his entire time to carrying forward the historical work indicated below. The office of the secretary should be at the state capitol.

(a) CARE AND CUSTODY OF STATE AND LOCAL ARCHIVES.—The archives of the State are the official records, documents,

letters, and papers in the offices of the several departments, boards, officials and courts of the State. To the historian these documents are of incalculable value and to the business public indispensable. Upon them large personal and financial interests are built. Upon many of them the political fabric rests. History cannot be written from tradition. Documentary evidence is the foundation of accurate history writing. Regrettable, indeed, is it that because of over-crowded offices, and in some cases, official neglect, thousands of these papers have been lost. The law should authorize all state and county officials to turn over to the commission all papers and records of their offices not in current use. It should be one of the primary duties of the commission through its secretary to classify, index, label, file, catalogue and keep these records arranged safe and convenient for public use. Mutilated records should be recopied and rebound. The commission should be particularly charged with the care of the archives in the basement. The condition of these records is little less than a disgrace to the State—damp, worm-eaten, decaying. Ample room and means must be placed at the disposal of the commission to do this work. County and city as well as state records should come under the care of the commission. The archives thus preserved will be an honor to the State, useful to the public and a rich mine to the historian.

On the importance of the state's care for its archives Dr. J. F. Jameson, formerly head professor of history in the University of Chicago, now editor of the historical publications of the Carnegie Institution, gives this testimony:

> "It has been demonstrated again and again that a high degree of public spirit, with all the great benefit that may flow from it is in no way so well created in any nation, state or community as by earnest and intelligent devotion to the records of its past. The new Italian kingdom and the new German Empire owe an incalculable debt to those who, in the nineteenth century, organized systematic documentary work upon Italian and German history in those countries respectively."

(b) LIBRARY, MUSEUM AND ART GALLERY OF ARKANSAS HISTORY.—The commission should be directed to build up at the capitol a library, museum and art gallery of Arkansas history. For this purpose several large rooms should be assigned them.

Into this library the commission should be specifically charged with the duty of collecting and bringing, (1) all books, papers and pamphlets, bearing directly or indirectly on Arkansas; (2) all books or pamphlets written by Arkansans; (3) all published material bearing on the South, the negro, the mound builders, the Indians, and the various wars in which our people have played a part; (4) all published documents of both state and Federal governments; (5) the archives of the State classified and arranged as described above; (6) bound files of the more important county and state newspapers; (7) manuscripts, such as journals, letters, diaries, and military papers of prominent Arkansans; (8) a complete set of all Arkansas maps, charts and atlases.

The writer found a much more complete set of maps and charts of Arkansas in the Wisconsin Historical Society library than can be found anywhere in Arkansas.

The museum in close proximity to the library should be filled with historical and anthropological relics. Hitherto archæological work in our State has been "limited to ignorant search for treasure or to spasmodic digging after relics." Just this year a party representing the Academy of Science at Philadelphia was excavating the mounds along our rivers for relics. While attending the Conference for Education in the South at Memphis last month, I visited the Cossitt Library. I was both instructed and humiliated—instructed by the privilege of examining the Ellison Mason collection in the museum, comprising about six hundred specimens of aboriginal relics; humiliated when on hearing that this invaluable collection was secured in Crittenden County, Arkansas, I reflected that neither the State nor any municipality had so much as lifted a finger in an effort to safeguard our mounds nor to collect prehistoric relics, in which Arkansas so abounds. By experts the Mason collection is said to be one of the best of its kind. One writer says of this collection:

"The human bones are wonderfully well preserved and would suggest that the mound builders understood the art of embalming. Much of the pottery indicates a high degree of skill both in the potter and the artist. A cabinet of colored pottery is especially interesting. It is only within the past few years that colored pottery has been found

in the mounds. On one large jar, in vermilion and white, are two of the oldest known decorative designs. On the stem is the Egyptian inverted pyramid, and on the bowl the Greek scroll, thus indicating beyond a doubt, an Eastern origin for the Mound Builders or intercourse between the Eastern and Western continents."

In the collection moreover is a water vessel, in the shape of a prow and stem of a Norse boat, thus suggesting another important line of investigation. What wealth of prehistoric material may lie beneath our soil! What light its collection and classification might throw on archaeology! It is no credit to us that the people outside the State are more interested in our mounds than we ourselves are. I have received letters from archæological societies urging that the historical association take steps to secure legislation to protect our mounds against wanton destruction.

Whatever our sins of omission in the past, let us be instructed by experience. Let us by law commit to the Arkansas History Commission the control of all excavations of Arkansas mounds. Let these mounds be explored and excavated by experts under the direction of the commission and the relics deposited in the museum. There are also many private collections that should be brought together and placed in the central museum. The law should make it the duty of the commission to collect and place in the museum (1) relics of the period of Spanish occupancy; (2) relics of pioneers and pioneer life, such as forms of dress, implements of labor and of the chase; (3) relics of eminent Arkansans, such as tables, duelling pistols, canes; (4) war relics, such as uniforms, swords, equipments, camp outfits; (5) aboriginal and Indian relics.

Another large room should be set apart for an art gallery, and in it should be placed the paintings and pictures of historic houses, places and scenes, and of distinguished Arkansans. In but few cases can a good picture of antebellum men be secured, and in many cases, none at all. In the recent volume issued by the historical association, the chapter giving an account of portraits of distinguished Arkansans shows a deplorable state of affairs. The art room may be made the most attractive and inspiring place about the state house. It should be the Louvre, the hall of fame, the statuary hall of Arkansas.

(c) ARKANSAS WAR RECORDS.—The law should particularly charge the commission with the duty of collecting all records and data extant pertaining to Arkansas soldiers in all wars in which our people have engaged. The Arkansas History Commission in their report to the governor two years ago, after calling attention to the wholesale destruction of the military records, said with respect to the Confederate veterans:

> "The scene is pathetic. Still devoted to the cause for which they fought, with one foot in the grave, the few remaining veterans, suddenly aroused to the probability that even their names will perish from the earth and that the only records from which a true history of their cause can be written are probably destroyed, send up a last feeble prayer to the State which they so bravely defended, asking that some steps be taken to rescue their fallen comrades from oblivion and to vindicate their names at the hands of history."

The Arkansas Historical Association proposes to do every thing possible to see that their prayer is answered.

Among the first duties of the commission should be to compile for publication a complete roster of Confederate and Federal veterans who enlisted from Arkansas. The Federal government has provided for the publication of a roster of all the officers and enlisted men of both Union and Confederate armies. As this publication will not include any names not on official records the Arkansas roster will be quite incomplete because of the loss of official records of her Confederate troops. The commission should therefore be instructed to compile from the best sources, official and unofficial, as complete a roster as can be secured. Let the veterans unite with us in the fight for such a law and the roster will be prepared.

(d) MARKING HISTORIC SPOTS.—Historic places should be located and marked, if not purchased. Appropriate monuments and tablets should be erected at Prairie Grove, Pea Ridge, Arkansas Post, Harrington and other points. These memorials and tablets would be a constant source of education and inspiration to our people. It would bring to them their history with a force that nothing else could do.

AN APPEAL.

But the people of Arkansas must not forget that liberal state aid must be rendered if such a program is carried out.

The State must appreciate her obligations to her archives and history as much so as she does to other important interests. On this point Hon. Thomas M. Owen of Alabama in a private letter says:

> "After all it is proper to keep constantly in mind that the department (history commission) simply represents one of the forms in which a state meets its duty to its subjects or group of subjects. The state owes a duty to the education of its people and a department of education is created. There is a demand for the regulation of transportation and public service corporations, and a railroad commission is established. Questions respecting public health are met through a state board of health. In like manner the duty of a state to its archives (public records) and history is met by the establishment of a separate department of the state government."

Let Arkansas go forward with this work. She should not allow this movement to die. Let her vindicate herself and her sons at the hands of history. The movement properly encouraged will develop civic spirit and state pride. Monuments, memorials and tablets in honor of our distinguished dead will inspire a lofty patriotism. A people who do not respect their past nor honor their dead are lacking in an important element of greatness. Let us not be derelict in this matter. We are under indictment. Shall the charges be refuted? We are to be tried at the tribunal of history. The verdict will depend upon evidence. It rests with us to collect and arrange the evidence. If we are neglectful, the case will likely go against us; if we do our duty, we shall win. The integrity of our motives and the heroism of our people will be proven.

But some one says that Arkansas has no history worthy of preservation. Such a statement is a slander. A state with such a long list of illustrious names should not raise such a question. Among our distinguished fathers are to be found the brilliant Robert Crittenden, our first secretary of state; Governor James Miller, the hero of Lundy's Lane; A. H. Sevier, our able champion at Washington for twenty years; the Conways, who have furnished us auditors, surveyors, judges and governors; Archibald Yell and David Walker, names of which any people might be proud; Chester Ashley, our most brilliant lawyer and statesman of antebellum days; Benjamin Johnson, our first great jurist. Arkansas also has a war record of which she may be

justly proud. McRae, McNair, Churchill, Fagan, Woodruff and Hindman are ornaments not only of Arkansas but of southern history. Has Arkansas no history when she furnished the Confederacy the immortal Cleburne, the terrible, the lion hearted, the Stonewall Jackson of the West, of whom Gen. Hardee said: "When his division defended no odds could break his lines, when it attacked no numbers resisted its onslaught, save once—and there is the grave of Cleburne"? Has a state no history whose annals are adorned with such names as Pike, the poet and sage, and Garland, the great constitutional lawyer and statesman, whose achievements make them national characters? Has a state no history whose soil has been baptized with sacred blood and whose heroic sons consecrated with their blood every battle ground of the Confederacy? This long list of celebrities might be extended indefinitely; they should appeal to the patriotic pride of every Arkansan; the mere mention of their names should bury the knocker and the croaker so deeply that we would never hear their voices again; they should inspire us with faith in our State; they should infuse in us a spirit of confidence, of achievement, the feeling that we are a great people in a great state. Let us resolve that we will be true to their memory. Let the sons of the immortal band that followed Lee and Jackson, yea Grant and Sherman, rise to the occasion and prove themselves worthy sons of worthy sires, men who are not lacking in those higher and nobler virtues that lift a people above the dross of mammonism and make them truly great.

In conclusion allow me to thank the members of the press association for the uniform courtesy that our association has received at your hands. Among your number are to be found some of the most active and loyal friends that our association has. Without the aid which the newspapers have rendered, our association simply could not have carried forward its work. You have helped to put us on our feet. We are in a large sense your child. Later on when we are strong you may be proud to own this relationship. In the efforts to make permanent this cause no one can render a more important service than can the newspapers.

A HISTORY OF TAXATION IN ARKANSAS.

By David Yancey Thomas.[1]

I. THE POWER OF TAXATION.

The only limitation on the taxing power of the Territorial legislature contained in the organic law of Congress creating the Territory was a provision that the bounty lands granted for services in the War of 1812, should, so long as held by the original patentees or their heirs, be exempt from all taxes for three years from the date of the patent. This was repeated in the compact of admission and it was also agreed that the lands of non-resident owners should not be taxed higher than those of residents and that no tax should be levied on lands of the United States.

Down to the constitution of 1868 the theory seems to have been that no property was subject to taxation unless specifically named. The constitutions of 1836 and 1864 simply provided that all property subject to taxation should be taxed according to its value and that the rate should be uniform throughout the

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While in Florida, Professor Thomas prepared a History of Banking in Florida and also a History of the Free Negro in Florida before 1865, both under the auspices of the Carnegie Institution. He has written several magazine articles of a popular and scientific nature and has published one book, A History of Military Government in Newly Acquired Territory of the United States (New York 1904).—Editor.

State. This was not to interfere with the power to tax hawkers, peddlers, and privileges. No poll tax could be levied except for county purposes. Beyond the foregoing the legislature was left to its discretion as to what should be taxed and what exempt. The constitutions of 1868 and 1874 made all property, real and personal, and all moneys, credits, investments in bonds, joint stock companies, etc., subject to taxation. The constitution of 1868 made a few exemptions and allowed the legislature to exempt $500 worth of personal property for each owner of so much. The constitution of 1874 makes a few exemptions and forbids the legislature to make any others and it is expressly declared that the power to tax corporations and corporate property shall never be surrendered or suspended.

The constitution of 1868 authorized the legislature to tax all "privileges, pursuits, and occupations that are of no real use to society" and exempted all others. The present constitution allows the taxation of "hawkers, peddlers, ferries, exhibitions and privileges in such manner as may be deemed proper." The decisions of the courts on this subject will be discussed later.

The first constitution put no direct limitation on the rate to be imposed, but forbade the collection of more revenue than would be required to meet the necessary expenses of government, except by a two-thirds vote of each house of the legislature, and this has been repeated in substance in every constitution since the first. However, it is left to the discretion of the legislature to determine what the necessary expenses are.[2] Down to and including the constitution of 1868, but not 1874, it was forbidden to levy "any greater tax on the productions of labor of the country than may be required for expenses of inspection." The constitution of 1874 limited the levy for all State purposes to one per cent., for all county purposes to five per cent., and five per cent. to pay debts existing at the time of the adoption of the constitution. The levy for school purposes by the State was limited to two mills and by the counties to five mills, but an amendment adopted in 1906 raised these limits to three and seven respectively. The legislature can not impose the latter

[2]State v. Sloan, 66 Ark., 575.

tax itself, but can only authorize its levy upon an affirmative vote by the qualified electors of any school district.

The supreme court has held that a tax otherwise valid is invalid if not levied within the time allowed. For example, a tax can not be levied one year for the previous year.[3]

II. SUBJECTS AND RATES OF TAXATION.

The main features of the revenue system of Missouri, which was imposed upon Arkansas by the act of Congress creating the Territory, were enacted January 21, 1815, and made the following provisions:[4]

TERRITORIAL TAX. For each 100 arpens of land, 60 cents; town lots, 30 cents for each $100 of value; each slave over ten years of age, except such as were exempted by the county court for sickness or disability, 62.5 cents; pleasure carriages, $1.50 for each $100 of value; stores (merchandise), $15 for every 6 months; each Indian trader, 1.5 per cent. on his invoice; each practicing attorney, $10; each practicing physician, $10; for every writ of execution, $1; for each conviction in a criminal court of record, $1; for every certificate of record with seal, and for every deed or mortgage recorded, 50 cents.

COUNTY TAX.—Each horse, mule, etc., over three years old, not over 25 cents; neat cattle over three years old, 6.25 cents; each stud, an amount equivalent to one season; slaves 15 to 45 years old, not over 50 cents; each billiard table, $25; each able-bodied single man not assessed for property of the value of $200, not over 50 cents; water grist mills and saw mills, horse mills, tan yards and distilleries in actual operation, not over 40 cents on the $100.

By act of January 29, 1817, the license to trade with the Indians was made $50, regardless of invoice, plus a fee of $2 to the clerk issuing the license. The trader was also required to give a bond of $3000 to guarantee observance of the regula-

[3]St. Louis Refrigerator Co. v. Thornton, 74 Ark., 383.

[4]Laws of a Public and General Nature of the District of Louisiana, of the Territory of Missouri, etc., up to the Year 1824. (Jefferson City, 1842.)

tions. For peddling goods not produced in the Territory a tax of $14 for six months' license was imposed.

The act of 1815 directed the county court, at its first session, to appoint a senior justice in each township to act as assessor. For refusing or neglecting to serve he was liable to a fine of $50. His compensation was $2 a day, to be paid by the county. By act of January 24, 1816, the sheriffs were made ex officio assessors. It was made the duty of every person to list his property with the assessor. If he failed or refused to do so, the sheriff was to assess to the best of his knowledge and impose a double tax as a penalty. At first the county court was to hear appeals on assessment, but later this was handed over to the clerk of the circuit court.

Sheriffs were ex officio collectors. They were required to give bond for a sum double the amount of the taxes listed and were required to settle their accounts with the county court. They were not to be responsible for the taxes of insolvents or of persons who had moved out of the Territory. In 1815 the pay was 8 per cent. of the county taxes collected and paid out and this was increased to 10 per cent. the following year. In the act of 1817 it read, 4 per cent. of the amount collected after the list has been corrected by the clerk of the circuit court, and 6 per cent. of the county and Territorial tax collected.

Such was the revenue system adopted for Arkansas upon its erection into a Territory. The development of the system will now be traced.

I. LAND; STATE RATES.

As noted above, the laws of Missouri imposed a tax of 60 cents on every hundred arpens. Some change was made soon after the separation, probably in the lost acts of 1820. In 1825 the Territorial tax on lands held by complete title, or confirmed by act of Congress, was reduced from $1.50 for each 100 acres to $1.25, and the county tax was fixed at 25 cents.[5] This system appears to have been followed for ten years, except that the territorial tax was reduced to $1 and the county tax raised to 50 cents in 1831. Houses were taxed separately from the

[5]Act of Nov. 3, 1825.

land. This year the tax on all houses, whether on confirmed or on unconfirmed lands, was made a county tax. In 1835 it was directed that lands should be divided into three classes. Under this arrangement first rate land should pay a tax of $1.25 for every 100 acres; second rate, $1; and third rate 75 cents; all of which was a Territorial tax. In addition to this it was subject to a county tax equal to one-half the Territorial tax.

The State constitution of 1836 directed that all property subject to taxation should be taxed according to value as ascertained in a manner to be prescribed by law, making the same equal and uniform throughout the State.[6] No one species of property subject to taxation was to be taxed at a higher rate than another species of like value. No more revenue could be levied than was necessary for the expenses of government, except by a two-thirds vote of both houses of the assembly.

In the face of this section the first legislature subjected town lots, with all improvements, to a tax of one-fourth of one per cent. of their value and imposed a like tax on lands, "taking into consideration their local situation and the convenience of same," provided that, in making the valuation, no improvements should be considered and that no lands should be valued at less than $3 per acre.[7] The supreme court held that the taxing of improvements on town lots without taxing all improvements throughout the State was in violation of the constitution.[8] The exemption of improvements on country real estate was formally removed by the legislature in 1838. However, some inequalities still remained, for example, the $3 minimum, until December 23, 1864.

In 1837 the auditor found that there was a surplus of $18,114.14. Governor Conway called the attention of the legislature to the constitutional prohibition upon the raising of more revenue than was necessary to meet expenses and suggested the

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[6]The rate and mode of assessment must be coextensive with the territory taxed. The legislature cannot exempt property in Little Rock from the tax levied by the county court to construct roads in Pulaski County.—Fletcher v. Oliver, 25 Ark., 289.

[7]Act of Nov. 3, 1836.

[8]Pike v. State, 2 Ark., 204.

reduction of the rate.[9] This suggestion was carried out in the act of March 5, 1838, which fixed the rate at one-eighth of one per cent., but the old rate was restored December 16, 1846. In his report for 1852, the auditor anticipated a deficit of over $15,000 by October, 1854. He recommended that the rate on real estate be doubled and that on personal property be cut down one-half. This, he said, would not affect citizens of the State, but would hit the non-resident land speculators, who were holding some of the best lands, and would force them to sell. If necessary to do this, the constitution should be amended.[10] No change was made, however, until January 10, 1857, when the rate was reduced to one-sixth of one per cent.

The next change was brought about by Civil War conditions. By Ordinance 24, adopted May 11, 1861, the secession convention authorized the county courts to levy not exceeding one-fourth of one per cent, on all subjects of State taxation, the proceeds to be used for military defense. By Ordinance 55 ½ the State tax for 1862 was raised to one-third of one per cent. and a supplemental tax of one-sixth of one per cent. was added to the tax of 1861.[11] The supplemental tax was repealed November 18, 1861, and provision was made for refunding sums already collected under that act. Ordinance 24 also was repealed, but the county courts were still allowed to levy and collect such taxes as were necessary to provide for families of volunteers in actual service when their condition demanded it.[12] Provision was made for the collection of the Confederate war tax. In the spring of 1864 the Confederate state government gave place to a loyal government. December 23, 1864. this government raised the rate of taxation to 10 mills for State and five for county purposes. January 21, 1867, the State tax was reduced to five mills and the county tax was not to exceed ten mills. This reduction was made pursuant to a recommendation of Governor Murphy, who stated that there was a surplus of $153,540.37 in the treasury.[13] This statement is substantially

[9]Message, Nov. 7, 1837. H. Journal, 176.
[10]Auditor's Report, in Sen. Jour., 1852, pp. 11 f.
[11]Convention Journal, 209, 318, 376.
[12]Acts of Nov. 16 and 18, 1861. Acts 30, 55.
[13]Message, Sen. Jour., 1866-7, p. 39.

confirmed by Governor Clayton, who, soon after his inauguration, reported that the State finances were in a healthy condition, treasury warrants commanding a higher market value than at any time previous.[14] The same year, March 18, 1867, a tax of two mills was levied for public schools, but the property of colored people was exempted from this tax. This provision lapsed with the overthrow of Presidental Reconstruction by the Congressional act of Reconstruction. The general revenue law of 1873 provided that, for the fiscal year beginning July 1, 1873, a tax of ten mills should be levied for the purpose of defraying the general expenses of the State government and supplying deficiencies and that after the year 1873 the levy should be seven mills for the expenses of State government and two and a half mills for paying interest on the public debt. The governor, auditor and treasurer were authorized to reduce the levy when the income would justify.[15].

The return of the Democrats in power in 1874 marked some changes in the financial policy of the State. The constitution of 1874 forbade any levy of State taxes for any one year to exceed in the aggregate one per cent. of the assessed valuation. No county could levy more than one-half of one per cent. except that it might levy an additional amount of one-half of one per cent. to pay indebtedness existing at the time of the adoption of the constitution of 1874.

The first legislature under the new constitution kept well within the bounds. The levy for the expenses of the State government was three mills; for interest on the public debt, one mill; for common schools, two mills.[16] The last provision came up to the limit allowed by the constitution, and was not changed until 1907, when it was raised to three mills. This levy of 1875 was soon found inadequate and it was raised to five mills for the first item, including deficiencies, and to three mills for the second,[17] and made retroactive to July 1, 1875. The deficiencies having been met a reduction was made March 9, 1877,

[14]Message, House Journals, 1868-9, p. 20.
[15]Acts of March 25, 1871, and April 28, 1873, sec. 152.
[16]March 5, 1875.
[17]November 11, 1875. Act, 19.

to one mill for the State government and made retroactive for 1876.[18] At the same time a levy of four mills was made to pay the interest on the public debt and provide a sinking fund, the levy to be only three and a half mills after 1877. Two years later one-half mill was taken from the first item and added to the second. March 17, 1883, a tax of one-half mill was levied to run two years for the insane asylum. At the end of that time it was merged in the expenses of the State government, deficiencies, and charitable institutions, the levy for which was two mills.[19] In 1891 this was raised to two and one-fourth mills. If one looks into Kirby's Digest under the title Revenue, he will find this provision inserted there and will suppose that 2.25 mills is the total tax. However, in 1901, an annual tax of one-fourth of a mill was levied to provide a sinking fund[20] and this was incorporated in Kirby's Digest under the title "Public Debt." Besides this, in 1901, a tax of one-half mill was levied to complete the new State capitol,[21] which does not seem to be mentioned in Kirby except as a foot-note. March 11, 1901, provision was made to pension ex-Confederate soldiers and to meet the expenses of this provision an annual tax of three-fourths of a mill was levied on all taxable property and this may be found in Kirby under the title "Pensions." The rate for general revenue was reduced to 1.75 mills in 1905,[22] and the school levy was raised to 3 mills in 1907,[23] the school districts being authorized to vote as much as 7 mills. The former act expressly exempted the pension fund, which was raised in a separate act[24] to 1 mill, the sinking fund, and capitol levies from its effects; the latter mentions only the sinking fund, but it is understood that the others remain unchanged.

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[18]Act of March 23, 1885.

[19]Act of March 23, 1885.

[20]May 3, 1901, Acts, pp. 262-4. May 13, 1907, suspended until 1911; thereafter to be one-eighth of a mill. Acts, p. 73.

[21]April 29, 1901. Acts, 225.

[22]May 6, 1905. Acts, 683.

[23]April 17, 1907. Act, 445.

[24]May 11, 1905. Acts, 800.

2. COUNTY RATES.

It would be impossible to tell what the county rates have been in practice without examining the records of each county. Certain limitations have been imposed on the county courts and these can be given.

The general revenue law of 1836 allowed a county tax of 2.5 mills on all property taxable for State purposes. In the law of 1838 the upper limit was set at 5 mills, though a preceding section had said that the county courts might levy on all subjects of taxation by the State any sum not greater than that imposed by the State. The State rate in this law was one-eighth of 1 per cent. The law of 1846 fixed the upper limit at 2.5 mills and this rate stood until the Civil War, though the auditor complained in 1852 that it worked a hardship on some of the counties where larger sums were needed to erect county buildings.[25]

The first loyal State legislature raised the limit to 10 mills,* but this was reduced to 5 mills before the close of the year. The general revenue law of April 28, 1873, contained this schedule:

For all ordinary county expenses, not over 5 mills.
For bridges, not over 1 mill.
For roads, not over 1 mill.
For support of the poor, not over 3 mills.
For erecting and repairing public buildings, not over 2.5 mills.
For teachers' salaries (country districts), not over 10 mills.
For school house fund, not over 5 mills.
For teachers' salaries (urban districts) not over 7.5 mills.
For school house fund (urban districts), not over 2.5 mills.
For payment of funded debt or interest, amount necessary.
For payment of interest on railroad bonds, not over 5 mills.

Making a total of 3.25 per cent. for country districts and 3 per cent. for towns, plus the amount necessary to pay the interest and principal of the funded debt.

The act of March 31, 1883, fixed the following limits:

For all county purposes, not over 5 mills.
For debts existing at the time of the adoption of the present constitution, not over 5 mills.
For support of public schools and payment of school debt, as voters of districts may determine, not over 5 mills.

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[25] Auditor's Report in Sen. Jour., 1852, pp. 13-14.

*Act of May 31, 1864.

This schedule remained in force until April 17, 1907, when the limit for school taxes was raised to 7 mills.

3. PERSONAL PROPERTY.

The taxation of personal property has developed gradually. The only items of personal property enumerated for the Territorial tax in 1819 were slaves and pleasure carriages. The former remained subject to the tax until freed; the latter until merged in the more general term "pleasure carriages and wagons." This year horses, mules, and neat cattle were liable for county taxes. Slaves appear to have been the only object taxed by both. Merchants were taxed by occupation, not according to value of goods. In 1836 (November 7) they became subject to a State tax on their stock in trade. At the same time saw mills, grist mills, tan yards, distilleries, horses, mules, neat cattle over three years old (in 1846 over two), and the capital employed by brokers and money changers were added to the list taxable for State purposes. Also, all property subject to State taxation was subject to taxation for county purposes on a levy to be made by the county court, the rate not to exceed one-fourth of 1 per cent. In 1838 (March 5), money loaned at interest beyond the amount on which interest was paid, and capital invested in steamboats, were added to the list. After 1846 (December 16) ferries and toll bridges, manufactories, gold watches and jewelry were to be taxed according to value, and after 1864 (May 31), all money received on debts prior to the passage of this act, all money on hand not otherwise taxed, and all income over $600 from whatever source, provided the source of the income was not otherwise taxed.[26] Patent medicines, imported into the State for sale, had already (January 17, 1861) been subjected to the same tax as other goods, drugs, or medicines. In the constitution of 1868 it was declared that all property real and personal in this State, except such as was expressly exempted, should be listed for taxes. The exemptions, noted elsewhere in this paper, were included in the constitution of 1874.

[26]Repealed Jan. 21, 1867.

The term "personal property" was declared by the act of 1873 to include "every tangible thing being the subject of ownership, whether animate or inanimate, other than money, and not forming part or any parcel of real property as hereinbefore defined," and the capital stock, undivided profits, etc., of every company, whether incorporated or not.

It will be observed that money and credit are not included in the above definitions. The term money is held to include, in addition to the legal tender of the United States, bank notes of solvent banks, and deposits which the owner may withdraw on demand. The term "credits" includes the excess of the sum of all legal claims and demands, including deposits in banks or with persons in or out of this State, other than money as hereinbefore defined, over and above the sum of all legal *bona fide* debts owing by any one. These are also declared subject to taxation. Seemingly with needless details, the act, after saying that all property, moneys and credits shall be liable to taxation, goes on to enumerate investments in bonds, stocks, joint stock companies or otherwise, if the owners reside in the State, and the property of corporations, bankers, and brokers, which must be listed with the assessor. In 1905 a new item, namely, timber sold separately from the land on which it stands, was added to the list of personal property.[27]

4. SLAVES.

1819. For every slave over 10 years of age, except such as were exempted by the county court for sickness or disability, 62.5 cents.[28]

The foregoing from the law of 1820 is incorporated in the Laws of Arkansas of 1835 under Revenue, section 6. Section 9 under Revenue has this clause: "For every negro or mulatto slave, between the age of sixteen and forty-five years, a sum of not exceeding one dollar."[29] After the adoption of the constitution of 1836, slaves were taxed according to value, but

[27]April 7, 1905. Acts 361.

[28]Laws of District of La., Ter. of Mo., etc.

[29]No statement is made to that effect, but the latter probably was a county tax, as it is identical with the county tax in the Laws of Missouri.

at first only those between the ages of 8 and 60 were liable to taxation.[30] Later changed to 5 to 60.[31] By act of February 14, 1838, all males 16 to 45 were subjected to road duty. 1864 (December 23) the word slave was stricken out of the tax laws.

1825. Patrol service provided for by law. Captain of to receive $1 per day of twelve hours; assistant, 75 cents. To meet the expenses of this the county courts were authorized to levy a tax on all slaves over 15 years of age.[32] Two years later it was provided that no such tax should be levied, if the patrol would serve without pay.

5. STATE OCCUPATION AND PRIVILEGE TAXES.

DOCTORS AND LAWYERS.—1819. $10 each per annum. This item was dropped early in 1820, and never revived.

MERCHANTS.—Each store or stand, 1821-3, $20 for six months.

INDIAN TRADERS.—1819. $50, to the Territory and $2 fee to the clerk issuing the license. The same in 1835, but disappears from the Digest of 1838.

PEDDLERS.—1819. Handling goods not produced in Arkansas, $14 for six months. A county tax. Changed to $20 in 1820, apparently for a year instead of six months. Made a Territorial tax, October 24, 1821, but the Digest of 1835 refers to it as a county tax under the law of 1820.[33] Raised to $25 for six months in 1836, this for the State. The State tax has remained unchanged ever since.

CLOCK PEDDLERS.—1831. Distinguished from other peddlers and required to pay a tax of $30 for six months in each county in which business is done. Raised to $50 in 1836. The law has remained unchanged except that the act of March 31, 1883, classified lightning rod and stove range agents along with clock peddlers and required each to pay $100 a year or any part of a year.

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[30]Rev. Statute (1836-8), p. 673.
[31]Digest of Statutes (1847-9), p. 870.
[32]Act of Oct. 20, 1825.
[33]Laws of Arkansas (1835), p. 461.

River traders.—1827. Persons trading on Mississippi and retailing goods not produced in Arkansas, $5.00 a month. 1829, applied to traders on navigable streams. 1875, defined as persons trading by boat up and down navigable streams. Tax $100 for annual license.[34]

Taverns or saloons.—It is not clear that any Territorial or State tax was collected previous to 1873. That year a tax of $100 for a year or less time was levied upon every person selling at wholesale or retail ardent or vinous liquor, "it being an occupation of no real use to society (except the same is sold exclusively for medicinal purposes)." This tax was not changed in the liquor act of 1879, except that 1 per cent. of the amount paid was added as collector's fees and $2.00 for each license, but was raised to $3.00 March 31, 1883, at which it has stood ever since as to retailers. By act of March 31, 1887, wholesale dealers were subjected to only $50 for State purposes and this law still stands. The acts of 1879 and 1883 enlarged upon the definition of liquors so as to include about everything which intoxicates except native wines.

Billiards and nine (ten) pins.—1836. $500 on each and every kepeer for six months. The constitution of 1836 authorized the taxation of merchants, peddlers and privileges in such manner as should be prescribed by law. The supreme court held that billiard tables might be taxed as property, according to value, and that, if made the subject of taxation, they could not be taxed at a higher rate than other property of like value; that if the act intended to tax, not the property but the person keeping it, the act was null and void, for the right to acquire and keep a billiard table was a right common to every citizen and was not a privilege within the meaning of that term as used in the constitution; that the legislature could restrict or prohibit the injurious use of billiard tables or any other species of property, but could not make the right to use any species of property depend upon the payment of a tax or license to do so, because that would be in derogation of the common right of acquiring, possessing, and protecting property.[35] De-

[34]Act of March 6, 1875.

[35]Stephens and Wood v. State, 2 Ark., 291.

cember 19, 1840, the keeping of billiard tables and nine pin alleys prohibited under severe penalties. February 1, 1843, repealed. Any person setting up and keeping a billiard table or nine or ten pin alley at which games should be played declared guilty of a misdemeanor and subject to a fine of $50—provided that he should not be fined but once a year. The court held the proviso clause unconstitutional as an attempt to do indirectly what could not be done directly.

January 8, 1845. To set up and keep billiard tables, etc., one must first pay $25 into the State treasury and $25 into the county treasury. The court, following precedents, decided the clause requiring a State tax to be null and void. In an opinion contrary to a previous decision,[36] the court held (1853) that the constitutional prohibition applied only to State taxes and not to county or municipal; that the legislature might impose or authorize the county courts to impose such a tax, but decided that this particular provision was so blended with the one for a State tax that both must fall together.[37]

After this the legislature seems to have left billiard tables alone until 1864 (May 31) when it levied a blanket State tax equal to that assessed by the county courts on all licenses to tavern, groceries (*i. e.,* dram shops), peddlers, ferry keepers, auctioneers, circuses, theaters, exhibitions of wax figures, etc. However, this act was repealed before the close of the year (December 23) and Gould's Digest (1858) was revived with certain amendments. The act of 1873 named three occupations subject to a State tax, peddlers, clock peddlers, and liquor dealers.

Insurance companies.—April 25, 1873, an act was passed creating the insurance bureau and forbidding insurance companies to do business in the State without complying with the provisions of this act. Apparently a discrimination was made against companies of other states, for only such are named in the section requiring a tax of 3 per cent. on premiums collected in the State. The act of 1875 (February 27) imposed a tax of 2.5 per cent on "every company doing business in this State"

[36]County of Pulaski v. Irwin, 4 Ark., 473.

[37]Washington v. State, 13 Ark. (8 Eng.), 752.

and exempted them from all other taxes, State, county and municipal, on their business and from municipal license fees for the privilege of transacting business, but foreign companies are required, in another section of the act, to pay 3 per cent. and these provisions stand in the Digest of 1904. The revenue law of March 31, 1883, levied a State tax of $100 upon every travelling agent for any life insurance, mutual endowment, matrimonial, mutual aid, nuptial association or company doing business in the State, but the supreme court held that, since it was restricted to traveling agents, and did not apply to other agents of such companies, the intent of the act was, not to tax the companies, but to impose a State occupation tax, which was unconstitutional.[38]

The learned justice who delivered the opinion (Bunn) did not say what clause of the constitution was violated, but referred to a line of previous decisions to sustain the position of the court. A careful perusal of these cases[39] leaves a reasonable doubt in the mind of the layman as to the correctness of the view of the court. If the court is correct, the State has practically no power to tax occupations. The fundamental error seems to be in the emphasis laid upon the word *tax* and the idea that nothing but visible *property* can be taxed. In one case the court said:

> These avocations and pursuits (money broker, land broker, etc.) are not within the scope of State taxation for State purposes, for in such cases the taxation must be uniform and according to the value of the property taxed, but they are subjects of police regulation, and if licensed at all it is done in the exercise of police power, which is deemed necessary and proper for the government and well being of the municipal corporations, and in such cases, these avocations and pursuits are *licensed* and not *taxed* as *property*.
>
> What are called police powers relate mostly to the government of municipal corporations.[40]

Now it cannot be denied that the State has police powers. Indeed, the municipalities draw their powers from the State. This being true, it follows that the State can issue licenses as it

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[38]State v. Washmood, 58 Ark., 611.

[39]Those cited above on billiards; also McGehee v. Mathes, 21 Ark., 40; Straub v. Gordon, 27 Ark., 625; Little Rock v. Barton, 33 Ark., 442; Little Rock v. Board, 42 Ark., 160; Baker v. State, 44 Ark., 134.

[40]City of Little Rock v. Barton, 33 Ark., 442.

is conceded that municipalities can do in the exercise of its police power and can charge for the same. Not everything that is regulated by the police power is injurious to good policy or public morals. A slaughter pen is a very useful thing, but it may be used in such a manner as to become a nuisance. For this reason a great many "common rights" must be regulated. Whether the sum collected for this regulation be called a *tax* is a matter of small moment.

It should be further remarked that the earlier decisions rested upon a fallacy exposed in a later decision, namely, "that the legislature may in all cases prohibit or restrain by penal enactments the use of any property, or the exercise of any business or calling, if deemed to be against good policy or injurious to public morals, but can not tax as a privilege the exercise of a common right which the very act of licensing admits is neither immoral nor injurious to the rights of others."[41] This is fallacious because licensing (taxation) is a means of destruction. Again, there is no express limitation in any of the constitutions except that of 1868 which limits the power of the State in taxing occupations to those which "are of no use to society." The present constitution allows the legislature to tax "hawkers, peddlers, ferries, exhibitions and privileges in such manner as may be deemed proper." Because some occupations are mentioned, it does not follow that others are excluded. The distinction between an occupation and a privilege as the terms are here used is somewhat shadowy. One definition of "privilege" in the Century Dictionary is "the right of a licensee in a vocation which is forbidden except to licensees." One of the synonyms for "occupation" given by the same authority is "vocation."

The right of the State to tax corporations for the privilege of doing business is perhaps rightly based on the fact that the corporation owes its existence to the State and the right to enjoy this privilege is a subject of taxation.[42]

SEWING MACHINE AGENTS.—1883. Tax of $200 a year on every company or general agent. But sub-agents may be sent into other counties upon the payment of $5.00 to each

[41]Washington v. State, 13 Ark., 761.

[42]Baker v. State, 44 Ark., 137-8.

county in which business is transacted. Amended in 1885 so as to allow payment directly to the State treasury. The following year the treasurer reported the law a failure because, by employing sub-agents, for which they were taxed only $5.00 in each county, it was possible for one or two companies to cover the whole state.[43] Only one company paid for 1885 and only two for 1886; also for 1905 and 1906 only two took out license. The law is still in force.

6. INCOMES AND INHERITANCES.

The secession convention of 1861 adopted an amendment to the revenue laws providing for an income tax of 10 per cent., to be paid in gold or silver, on the net income of every person subject to taxation. The net income was to be arrived at by deducting from the gross income the expenses necessary for the producing such income and for supporting the tax payer's family. Receipts for this tax were to be convertible into war bonds. The amendment was receded from the same day it was adopted.[44] The next attempt to tax incomes seems to have been made in 1864, a time when incomes must have been small and hard to get. The law of May 31, 1864, as noted above, imposed a tax of 1 per cent. on all incomes over $600, provided the source of the income was not otherwise taxed. This certainly would have hit salaries and the incomes of professional men. Although this law was repealed in December, the income feature of it was retained, but finally repealed January 21, 1867.[45]

The inheritance tax is later and is still in force. The original act, passed in 1901, imposes a tax of 5 per cent. on all property passing by will, inheritance, or by deed, grant, sale or gift, intended to take effect after the death of the grantor, to any person or corporation other than the father, mother, husband, wife, lineal descendant, adopted child and the lineal descendants of an adopted child of the decedent. To be paid within one year, after which it will draw interest at the rate of 9 per cent.[46]

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[43]Treasurer's Report for 1886, p. 3.

[44]Convention Journal, 374-5.

[45]The writer has not been able to ascertain the amount collected under this law.

[46]May 23, 1901. Acts, p. 295.

In 1907 the act was amended so as to impose a tax of 1 per cent. on inheritances or bequests passing to any of the direct heirs mentioned above, including brothers and sisters and their children, provided that estates of less than $20,000 should be exempt and only the excess of greater estates should be subject to the tax. When the property passes to an uncle, aunt, or their lineal descendants, the tax is 2 per cent. on all over $5,000. In all other cases the rates are 3 per cent. on estates of $10,000 or less; 4 per cent. on all over $10,000 up to $20,000; 5 per cent. on all over $20,000 up to $50,000. Estates not exceeding $2,000 are expressly exempted from the operation of the statute, and, strangely enough, no provision is made for taxing estates worth more than $50,000. Evidently this was an oversight on the part of the lawmakers.[47]

The total amount collected under this law down to the close of the first quarter of 1906 was $3,778.50. The largest sum collected from any one estate was $1,593.53, the smallest $11.30. The number of estates from which the tax was collected has never exceeded four in any one year.[48]

7. THE CORPORATION FRANCHISE TAX.

Except for the tax on ferries, no franchise tax appears ever to have been levied in Arkansas prior to 1907. In that year a franchise tax was levied on corporations and was graduated according to capital stock.

For every corporation with authorized capital not over $25,000	$ 10
Over $25,000 and not over $100,000	25
Over $100,000 and not over $500,000	50
Over $500,000	100

Every corporation doing business in the State, whether domestic or foreign, is required to pay the tax annually on or before July 1.[49]

The statute plainly says authorized capital, and an attempt was made to collect the tax accordingly, but the supreme court held that the tax could be collected only on the paid up capital,

[47]May 17, 1907. Acts 833-4.

[48]Auditor's Reports, 1901-2, 1903-4, 1905-6.

[49]May 29, 1907. Acts, p. 1214.

8. COUNTY OCCUPATION AND PRIVILEGE TAXES.

MERCHANTS.—Each store or stand, 1819, $15, for six months. 1820, raised to $20.00 for six months. 1821, (October 24), converted into a Territorial tax, but given back to the counties two years later. As defined that year vendors who sold only flour, bacon, pork, salt, and iron were exempt. After 1836 the occupation tax ceased and merchants were taxed on the value of their stock in trade.

PEDDLERS.[50]—Since 1873, $25.00 a year.

CLOCK PEDDLERS.—1831 to 1838, $30.00 for six months in each county.[51] After March 3, 1838, not over the sum collected for the State tax, which was $50.00 for six months. The same in Digest of 1847, but disappears after this. 1901 (April 29), renewed and fixed at $200 a year. Applied also to agents for lightning rods, steel stove ranges, pumps, carriages and vehicles but not to resident merchants traveling about in the county to sell such articles. This was declared null and void by the supreme court in 1905 because the imposition of the tax on some peddlers while exempting resident merchants was in conflict with the XIV Amendment to the Constitution of the United States, which guarantees to all the equal protection of the laws, and with art. 18, section 2 of the constitution of Arkansas, which forbids the legislature to grant special privileges.[52]

RIVER TRADERS. Since 1875 (March 6), $100 in each county in which they trade.

STUD HORSES. 1819. An amount equal to one season. This stands in the Digest of 1835, but it is not clear whether it is still a county tax or not. The supreme court held that the keeping of a stallion was strictly a common right and that an act taxing it as a privilege was unconstitutional.[53]

LOTTERIES.—1820. Private or unauthorized lotteries, 50 per cent. of the money or property to be disposed of. Lotteries and sale of lottery tickets forbidden in constitution of 1836.

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[50]For early history of peddlers license, see supra, 11.

[51]Act of Oct. 24, 1831.

[52]*Ex parte* Deeds, 75 Ark., 542.

[53]Gibson v. Pulaski Co., 2 Ark., 309.

TAVERN LICENSE.—1819. $10.00 to $50.00 for twelve months at the discretion of the court. Raised to $10.00 to $100 in 1838. A house kept for the entertainment of strangers was not a tavern, unless vinous or ardent spirits were sold. Nor did the law apply to grocers who did not retail in quantities less than a quart.[54] This law remained unchanged for many years. The act of March 25, 1871 simply imposed a tax of $100 a year on every person selling liquor either at wholesale or retail.[55] In 1879 and 1883 the definition of liquors was enlarged upon to include all intoxicants and the county tax was raised to $400 for a year or any part of a year, all licenses expiring December 31. The vendor was further required to pay 1 per cent. of the amount paid for license as collector's fee and $2 for clerk's fee, and such additional sum for the county, not less than $30.00 nor more than $200, as the county court might determine. The next change was to separate wholesalers from retailers and tax the former only $100 for the county.[56] April 8, 1891, the retailers' license was raised to $500 and the collector's fee to 2 per cent. April 25, 1903, the county tax was divided, $300 for county purposes, $200 for common schools. Sixty out of seventy-five counties were exempted from this act. April 3, 1905,[57] reduced $100 on the amount for county purposes. The total State and county tax for retail liquor license is now $700, $300 to State and $200 to county, and $200 to the school fund.

FERRIES.—1819 to 1839, not less than $5.00 nor more than $100, as the circuit court may determine. 1839, from $1.00 to $100. If the navigable stream forms a part of the boundary of the State, and the adjoining state collects any tax for the

[54]Act of Feb. 16, 1838.

[55]An injunction was sought in Helena to restrain the sheriff from collecting this tax as in violation of the constitution (1868) which empowered the legislature to impose a privilege tax on all occupations of no use to society and exempted all others, and as being a double tax, the ad valorem tax having been paid as on other merchandise. The court held the law valid, but granted the injunction as no penalty had been imposed for selling without license. Straub & Lohman v. Gordon, 27 Ark., 625.

[56]March 31, 1887. Acts, p. 205.

[57]Acts, p. 341.

privilege of a ferry landing on its shore, then the same tax shall be collected in this State.[58]

Shows.—1819 to 1858. Circus, $10.00, menagerie, $5.00, wax figures, $10.00, sleight of hand, $10.00 for each exhibition. 1873 (April 28), raised to $100 for circus or menagerie. Each exhibition given by any one for personal profit, $5.00. 1883 (March 31), the same, with $50.00 for each side show. Still in force. 1901 (May 23), county court empowered to fix tax on exhibitions given for personal profit. Inapplicable to theaters and opera houses in cities of the first and second class and incorporated towns where no liquor is sold by management or on the premises. In cities of 20,000 and over, license for theater and opera houses, $100 for county tax.

Billiards.—Law of January, 1845, imposed a tax of $25.00 for county. Overthrown by supreme court as noted above. No State or county tax since. Are taxed by municipalities.

Auctioneers.—1838. For each license for one month, $10.00; two months $20.00; three months $30.00; six months $50.00; and in each case a fee of $1.00 to the clerk.[59] Reduced to $10.00 for six months, March 31, 1883.

Auction sales.—1838. On all sales of personal property 1.5 per cent.; real estate or leasehold interest in land, 5 per cent. Still in force.

Sewing machine agents.—1885. Any one who simply peddles sewing machines in his own right and is in no way connected with a sewing machine company, $25.00 (for one year?). Tax of $5.00 for sub-agents of a company which has paid a tax of $200 to the State.[60] Still in force.

Dogs.—1875-7. For the privilege of keeping dogs, $1.00 per capita for each dog kept.[61]

9. poll tax.

1819. Every able bodied single man not assessed for property valued as much as $200 was subject to a poll tax not ex-

[58]Revised Statutes (1837), p. 402. Digest of Statutes (1846), 530-3. In force now.

[59]Rev. Statutes (1837-8), p. 136.

[60]April 2, 1885, Acts, 207.

[61]Dec. 14, 1875. Acts, 168. Repealed Feb. 21, 1877. Acts, 8.

ceeding 50 cents. October 20, 1825, law imposing a tax of $1.00 on single men repealed.[62] Instead of this a general poll tax of 25 cents was imposed for county purposes. 1833 (November 16), all persons over 55 years of age exempted from poll tax. 1836 (November 7) free white males, 21 to 50 years of age, 50 cents.

The first State constitution forbade a levy of a poll tax except for county revenue. The revenue law of 1838 provided that the county court might levy such a tax not over $1.00 on all free males 21 to 60 years of age.[63] The constitution of 1864 repeated the poll tax provision of the constitution of 1836, but in 1868 the poll tax was declared to be grievous and oppressive and the legislature was forbidden to levy one except for school purposes. The constitution of 1874 provided that a poll tax of $1.00 should be levied on every male over 21 years of age. This provision is still in force.*

Since 1895 collectors have been required to keep a record of the amount of the poll tax paid by whites and negroes. For 1895 the figures were $157,986 and $40,289 respectively; for 1905, $184,238 and $50,380.

10. EXEMPTION.

Before 1868, when all property became subject to taxation, acts were occasionally passed making certain exemptions in classes subject to taxation.

REAL ESTATE.—Congress in the organic law creating the Territory provided that military bounty lands granted for service in the War of 1812 should be exempt for three years from date of patent, so long as held by the original patentees or their heirs. This was also made a condition of admission to

[62]The writer has not been able to find such a law. Possibly it was passed in 1820.

[63]Rev. Statutes (1836-8), p. 213.

*Amendment No. 2, voted on in 1892, and proclaimed adopted in 1893, makes the presentation of a poll tax receipt necessary as a qualification for voting. In 1905, Judge Trieber of the Federal Court held that this amendment had not been adopted because it had not received a majority of all the votes cast at that election, and this decision was upheld by the supreme court which held that Amendment No. 3 had not been adopted for the same reason. In 1908 it was resubmitted as Amendment No. 9 and was carried by 88,386 to 46,835 in a total vote of 166,887.

the Union and was accepted by the State.[64] The same act provided that no tax should be levied on lands belonging to the United States. A law passed in 1835 implies that buildings had been erected on United States lands, which buildings were not the property of the United States, and that they had escaped taxation, for the law says that hereafter all dwellings and outhouses on United States lands shall be subject to taxation.[65] Many years later (1892) this was contested, but the court held that the estate of a lessee of land of the United States on the Hot Springs Reservation was not exempt. This case applied only to the buildings on the land, but the court implied that such leaseholds themselves might be taxed.[66]

In 1845 (January 7) Mount Holly Cemetery was exempted. By act of May 28, 1864, the collection of taxes on real estate was suspended indefinitely, but this was not to apply to any then in arms against the State or the United States or who had aided in the rebellion and had not taken the amnesty oath of December 8, 1863. Collectors were directed to collect revenue for 1861, 1862 and 1863, on the assessment for 1860 on all real estate not exempted by this act. This act was in effect for only a few months. February 6, 1867, the collection of all taxes previous to the year 1866 was prohibited. At the same time the real estate of the real estate bank was exempted so long as in the hands of a receiver. February 27, 1867, lands of the Memphis and Little Rock Railroad, not exceeding $20,000 in value, were exempted for five years.[67] This act was renewed in 1871. Several acts were passed exempting by name schools and academies, not over $20,000. As an encouragement to mining and manufacturing, the premises, buildings, tools, etc., of such companies were to be exempt for five years and cotton and woolen factories erected within three years were to be exempt for five years. A special act of March 21, 1867, belongs

[64]Oct. 18, 1836. Rev. Statutes (1837-8), 54.

[65]Act of Oct. 23, 1835.

[66]*Ex parte* Gaines, 56 Ark., 227.

[67]Exemptions granted by charter form a contract and cannot be revoked. But such exemption is a personal immunity, does not attach to the road as property, is not transferrable with them and is extinguished by consolidation with another company. Memphis & Little Rock R. R. Co. v. Berry et al., 41 Ark., 436.

under this head. This act, passed over the governor's vote, restored the estate of General Patrick R. Cleburne, which had been forfeited for taxes, and remitted all taxes due up to 1868.

Household goods.—The general revenue law of 1838 exempted all such belonging to one family up to $400 in value.[68] in 1846 this was reduced to $200.[69] The act of May 31, 1864, restored the limit of $400 but this was repealed December 23 and the former provision was revived. The act of July 23, 1868, substituted personal property not exceeding $100, but the new constitution of 1874 forbade such exemption and the law was formally repealed March 31, 1875.

Widows.—Such as did not own land or negroes nor personal property exceeding $500 in value were exempted by act of January 5, 1843, but this exemption was not to apply to money loaned at interest. This exemption was omitted from the revenue law of 1846.

From 1841 to 1843 the city of Little Rock was exempted from all taxation for county purposes.[70]

Constitutional exemptions.—The constitution of 1868 provided that "burying grounds, public school houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose" should never be taxed. The legislature, which was not forbidden to make other exemptions, really enlarged upon this in its schedule. The clause "houses used exclusively for public worship" was enlarged to include "parsonages and the books and furniture therein, and the grounds attached to such buildings necessary for their use, and not leased for profit." The term public school houses was made to include public colleges and their grounds not leased for profit. Public property was defined in detail. Personal property not exceeding $100 in value and native wine were to be exempt.[71]

The constitution of 1874 names public property used exclusively for public purposes, churches, cemeteries, school build-

[68]March 5, 1838. Rev. Statutes (1837-8), p. 675.
[69]Dec. 16, 1846. Digest Statutes (1846-8), 870.
[70]Dec. 21, 1840. Acts, 42. Repealed Feb. 2, 1843.
[71]July 23, 1868. Gantt's Digest (1874), sec. 5055.

ings and apparatus, libraries and grounds used exclusively for school purposes, and buildings and grounds and materials used exclusively for public charity, and declares that all laws exempting any other property shall be null and void.

The present Digest (Kirby's) enlarges upon the definition of the foregoing so as not to include in the exemption more than ten acres belonging to counties for court houses, jails, etc., nor property belonging to schools, churches, colleges and institutions of public charity and used or leased with a view to profit. The court has declared that lands held by a school district for profit are not exempt.[72] It has also held that the exemption of school buildings and apparatus applies to private schools not conducted with a view to profit.[73]

Nothing is said in the constitution about growing crops, but they are exempted by statute. In 1886 the auditor found that cotton, corn, meat, hay, cotton seed, and similar species of property on hand the first Monday in February were assessed in fifty-two counties, but omitted from the assessment in the other twenty-three. He at once issued a circular calling the attention of assessors to the law which required the assessment of "every tangible thing being the subject of ownership." All of the assessors except two complied at once.[74]

Legislative exemption.—The court has held that the legislature "can not under the guise of regulating the duties of assessors, exempt property from taxation,"[75] yet the legislature has, since that decision, ordered the assessor not to list for taxes cotton held on June 1, 1905, the first Monday in June being the regular time to account for all property, but to extend the time for assessing such cotton until September 1.[76] As this was cotton grown in 1904, it could not have been counted as a growing crop in 1905. The intent of the act was to allow the owners thereof to hold for higher prices without subjecting it to taxation.

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[72]School District v. Howe, 62 Ark., 481.
[73]Phillips Co. v. Estelle, 42 Ark. 536.
[74]Auditor's Report, 1886, pp. 7-9.
[75]L. R. & Ft. S. Ry. v. Worthen, 46 Ark., 312, 330.
[76]Feb. 19, 1905. Acts, 127.

In the matter of privilege and franchise taxes since 1879, manufacturers of alcohol, vinous, ardent, malt or fermented liquors have been allowed to sell in original packages of not less than five gallons without license.[77] Mutual and assessment insurance companies, fraternal beneficiary orders, farmers' mutual aid societies and cotton factory insurance companies of a mutual nature and operated without fixed capital and not with a view to profit are exempt from the tax imposed on the premiums received by insurance companies, but pay some fees. In 1893 "farm and produce peddlers," were distinguished from ordinary peddlers and exempted from the license tax imposed on all such.[78]

In 1899 indigent or disabled ex-Confederate or United States soldiers or sailors, and all blind persons residing in the State were allowed to engage in peddling, to give magic lantern exhibitions, etc., without paying for any State, county or municipal license.[79]

II. FEES.

The fee system as a means of paying salaries is one which deserves a separate study. In this paper it will be noticed only as a producer of revenue to the general fund in the public treasury.

STATE FEES.—1819-1831. Each original writ and execution issued out of any court of record, $1.00; on every conviction by verdict or confession in criminal cases (except capital), $1.00; on each certificate with seal attached issued by the county clerk, and on each deed or mortgage recorded by the clerk, 50 cents. No tax on certificates to vendors of merchandise.[80] In 1831 these fees were turned over to the counties, after which the Territory and State do not seem to have collected any fees, except such as certain officers were allowed to collect as com-

[77]Kirby's Digest, § 5093.
[78]March 27, 1893. Kirby's Digest, § 6875.
[79]Ibid., sec 6880.
[80]Laws of Arkansas, (1835), 465.

pensation in addition to their salaries,[81] until 1875. By act of February 25, amended March 14, 1881, the secretary of state, the auditor, and the commissioner of State lands, were required to pay all fees collected by them into the State treasury. Those collected by the secretary of state were the most important. They were:

For affixing State seal	$ 1.00
For every commission issued to a citizen of another state	5.00
For every commission issued to a State officer	15.00
For every commission issued to a sheriff or clerk	10.00
For every commission issued to a county judge or assessor	2.00
For every commission issued to any other county officer or justice of the peace	1.00
For every commission issued to a notary public	5.00
For all copies of records or printed files, per 100 words	.15
For all copies of maps, profiles, etc., not less than 60 cents per hour for expense of making same	
For receiving each draft of articles or charter of a private corporation not for pecuniary profit	2.50
For filing such charter or draft of a private corporation created for gain, excepting railways and telegraphs	25.00
For each amendment or supplement thereto	10.00
For filing such charter for a railway or telegraph company not over 25 miles in length	50.00
For one exceeding 25 and not exceeding 50 miles	75.00
For one exceeding 50 and not exceeding 75 miles	100.00
For one exceeding 75 and not exceeding 100 miles	125.00
For one exceeding 100 and not exceeding 150 miles	150.00
For one exceeding 150 and not exceeding 200 miles	175.00
For one exceeding 200	200.00
For each amendment or supplement thereto	25.00

This scale was changed in 1905 so that all corporations except railroads with a capital stock of $25,000 or less pay $30.00 for filing their articles and issuing a charter and an additional fee of $5.00 for each additional $25,000 of stock. Railroads are required to pay $200 when the road does not exceed 25 miles in length, and $100 for each additional 25 miles. For amending articles, $25.00.[82]

Insurance companies.—By act of April 25, 1873 (amended February 27, 1875, May 8, 1899 and May 23, 1901), the In-

[81] For example, in 1848 the secretary of state received a salary of $600 and fees for two things: namely, 75 cents for every certificate with seal, and 8 cents per hundred words for copies of records; in 1874 he received $3,000 a year and $1 for each certificate with seal and $5 for every commission issued to a citizen of another state. The auditor's salary had grown from $1,200 and fees for two things to $3,000 and fees for eight different things ranging from 25 cents to $5.

[82] May 6, 1905. Acts, 676.

surance Bureau was created and a scale of fees was fixed for companies privileged to do business in the State.

For filing certified copy of charter	$15.00
For filing annual statement, etc	10.00
For certificate of authority to transact business	2.50
For publication of annual statement, or for official examination, actual expenses	
For every copy of any paper filed in the Bureau, per folio	.20
For affixing seal to same and certifying	1.00
For certificate of authority to transact business issued to mutual and assessment companies	2.00
For publication of annual reports of fraternal beneficiary orders, the cost of publication, and	10.00
For publication of annual report of Farmer's Mutual Aid Societies, the actual cost of publication	

This schedule of fees is still in force.[83]

COUNTY FEES.—The fees collected by the Territory from 1819 to 1831, as noted above, were turned over to the counties in the latter year, and have belonged to them ever since. In the revenue law of 1838 (March 5) this was amended to read:

For each criminal conviction	$3.00
For each original writ and execution	.50
For each certificate of record	.50

1889 changed to read:

For each criminal conviction	$3.00
For each civil suit (jury verdict)	3.00
For each writ of summons and writ of execution	.50
For each certificate of record	.50
Provided that mortgages shall not be taxed more than	.15
For each marriage license	.50

This scale of fees is still in force.[84] Besides these the county officers receive many fees as compensation, but they go directly to those officers and are never paid into the county treasury.

12. SCHOOL REVENUE.

November 21, 1829, the Territorial legislature provided that section No. 16, which had been set apart by Congress for the benefit of education, might be leased for a term not exceeding five years to the person offering the highest rent for the

[83]Kirby's Digest, secs. 4332, 4350, 4353.
[84]Act of March 8, 1889. Acts, 156. Kirby's Digest, sec. 6883.

same. In 1843 Congress permitted the sale of these lands with the consent of the inhabitants of the township to which the lands belonged and the investment of the proceeds in productive funds. The legislature first directed that the taxes collected from these lands after they were sold should go to the school fund.[85] In 1826 Congress granted to Arkansas certain lands for a seminary, but the next year granted two entire townships for a university in lieu of the grant for the seminary.[86] The legislature (1844) now asked for a modification of this grant so that the lands (seventy-two sections) might be devoted to the support of public schools and to this Congress agreed (1846).[87] The next step was to provide that the funds arising from the sale of each sixteenth section should become a permanent endowment known as the "sixteenth section" fund.[88] The proceeds of the sales of the saline lands of the State were also divided among the counties as an endowment fund. To this, known as the "permanent school fund," were added the proceeds of the sales of land forfeited for taxes,[89] the taxes collected on the sixteenth sections after it was sold,[90] lands and other property escheated to the State, and the proceeds from sales of estrays and unclaimed dividends.

In 1894 the "sixteenth section fund" amounted to $490,828.51, the "permanent fund" to $394,271.46, a total of $885.100. It was invested in Arkansas 6 per cent. funding bonds. By the act of 1899 these bonds were refunded at 3 per cent. of which the permanent school fund now has $1,128,500. To this has since been added the proceeds of all lands granted by Congress and not otherwise appropriated, 10 per cent. of the sales of the public lands of the State, and all gifts to the State not otherwise directed.

The first really notable effort at securing a fund for the support of schools was made in 1867, when a 2 mill tax was

[85]Act of Feb. 3, 1843.

[86]Laws of Arkansas (1836), 513; Act of Cong., March 2, 1827, in Kirby's Digest, p. 184.

[87]Kirby's Digest, p. 178.

[88]Act of Jan. 11, 1853, amending act of Jan. 5, 1849.

[89]Act of March 5, 1838. This amounted to $223 in 1842.

[90]Act of Feb. 3, 1843. This distinction was not kept up.

levied on the property of all except colored people for that express purpose.[91] The constitution of 1868 provided that certain moneys should go into the permanent fund and that the State and the districts might supplement this by taxation. The constitution of 1874 limited the amount of such taxation to 2 mills by the State and 5 mills by the districts but this limit was raised by amendment in 1906, as noted above, to 3 mills for the State and 7 for the district.

The poll tax (now $1.00) has been devoted to education since 1868. It is distributed in the counties where it is collected.

The school fund has had the benefit of other revenues also. The act of 1829 providing for the lease of the sixteenth section imposed a fine of from $20.00 to $200 for tresspassing on such lands and directed that all such fines collected should go to the county for school purposes. By act of January 9, 1845, fines for false imprisonment, assault and battery, breach of the peace, trespass on real property, for fraudulent pretenses and gaming, and all fines inflicted for the suppression of vice and immorality were turned over to the school fund. In 1858 for failing to make assessment as required by law, assessors were liable to a fine of from $25.00 to $100, one-half of which was to go to the school fund.[92] A like disposition was made of the fine of $500 imposed on every person exercising the trade of an auctioneer without license.[93] A law of 1875 directed assessors to hunt up property owners who failed or refused to list their property and impose a penalty of 50 cents therefor, one-half of which was to go to the school fund. Since 1903 (April 25), $200 of the $500 (only $400 since 1905) county license on saloons has been devoted to the cause of education in counties not exempted from the provisions of the act.[94] The 25 per cent. penalty for failure to pay taxes when due goes to the county school fund.

The State University has a small endowment fund but has never had the benefit of a tax levied directly for it as is done in some states.

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[91]Act of March 18, 1867. Acts, p. 415.
[92]Digest 1858, p. 915 f.
[93]Gantt's Digest (1874), p. 225.
[94]Kirby's Digest, Par. 5108; Acts of 1905, p. 341.

III. ASSESSMENT.

1. ASSESSORS.

SHERIFFS, etc.—Under the laws of Missouri adopted for Arkansas, sheriffs were *ex officio* assessors and such they remained, with some exceptions, until 1868. In 1866 Governor Murphy complained of inequalities of assessment and said they were due to the system by which made. In some counties the sheriff was assessor and collector; in others the assessment and collection were done by different officers; in one county each township had an assessor, the justice of the peace receiving the highest vote being required to act in that capacity.[95] The law of 1868 (July 23) authorized the governor to appoint assessors in each county and provided for their election every two years, beginning with 1870. The tenure was made four years by act of April 28, 1873, but reduced to two years March 5, 1875. In the act of 1873 the county clerks were made assessors for railroads, express, telegraph and insurance companies, or corporations not otherwise named. In 1877 the railroad commission was changed so as to consist of the governor, the secretary of state, and the auditor, and is now charged with the duties formerly belonging to the clerks.[96]

COMPENSATION.—1819-1839, no compensation. 1838-1842, 4 per cent. on his list. 1842-1868, 3 per cent.[97] The law of 1873 allowed 3 per cent. on the first $25,000 of taxes levied, 2.5 per cent. on all from $25,000 to $50,000, and 2 per cent. on all over $50,000. Ten years later, for each name listed, 25 cents, and for the real property of each non-resident in each township, $1.00.[98] One-half to be paid by the State, one-half by the county. (1893, February 9) reduced to 20 cents. He also receives one-half the penalty of $1.00 imposed on property owners who fail to list their property for taxation.[99]

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[95]Senate Jour. 1866-7, p. 39.

[96]Kirby's Digest, sec. 6929.

[97]Laws of Ark. (1835), p. 468; Rev. Statutes (1836-8), p. 398; Digest of Statutes (1847), p. 524; Gould's Digest (1858), p. 530.

[98]March 31, 1883. Mansfield's Digest (1884), p. 1098.

[99]Kirby's Digest, sec. 6967.

ASSESSOR'S OATH.—No oath seems to have been required of the assessor at first. In 1838 he was required to take one each year for the faithful performance of his duty, and if he failed to do this the office was to be declared vacant.[100] A like penalty attached for failure to make the assessment as required by law. Later a penalty of from $25.00 to $100 was added, but there does not seem to be any now. The present oath is a strict one for the assessment of property at its actual cash value.

2. LISTING PROPERTY.

OWNERS REQUIRED TO LIST.—The laws of Missouri made it the duty of every person to list on oath his taxable property on or before the first day of January each year. If he failed to do so, or gave in a fraudulent list, the assessor was to list to the best of his knowledge and impose double taxes as a penalty. The law does not make it clear whether it was the duty of the citizen to hunt up the assessor or of the assessor to look up the citizen. Some change was made in the mode of assessment in 1820, but the old method was restored next year.[101]

In 1838 the assessor was required to appoint, by public notice, three days on which he would appear at the polling place in each township for the purpose of making assessments. The penalty for failure to meet him there except for sickness was a double tax, later changed to 50 cents.[102]

The assessors still appoint days to meet the citizens at their polling places, but they cannot return any one as delinquent until twenty days after the time set for assessment in all the townships of the county, unless he has been called upon for his assessment and refused it. The penalty for such failure or refusal under the act of 1873, was an addition of 50 per cent. to the assessment, but was changed to $1 in 1887.[103] At first non-residents were required to list their lands with the auditor of the Territory and State, and he was required to furnish the local

[100]The supreme court has held that the failure to take this oath did not invalidate the assessment.

[101]Act of Oct. 22, 1821.

[102]Rev. Statutes (1836-8), pp. 675 f.

[103]Gantt's Digest (1874), sec. 5144; Kirby's Digest (1904), sec. 6967.

assessor with all such lists.[104] If they failed to do this, the assessor was to be guided, after 1853, by the valuation set upon such lands by three householders of the township.[105] No special provision was made for assessing the personal property of non-residents. Now they are required to list all property with the local assessor, either in person or through agents, the lands and personalty both being entered for the township where located. After making out the list the owner or agent is required to swear that it contains all his taxable property and that he has valued it as its true value.

Complaints of property escaping taxation are commonplace. It is not so common to hear such complaints now in regard to realty, but in earlier days some difficutlies seem to have been encountered in the assessment of lands. The auditors were directed to secure from the land office a list of all lands that had been entered and to transmit these to the assessors.[106] In the later fifties a joint committee of the legislature reported that 5,000,000 acres owned by persons or companies were not assessed. At $3 per acre, the minimum then allowed, this meant $15,000,000 that escaped taxation. The auditor did not think the amount any less in 1860. As late as 1868 Governor Clayton thought that from one-fourth to one-third of the realty escaped taxation because the assessors were not in possession of sufficient information to enable them to list it.[107] The auditor in 1860 declared that the method of assessment was bad. In consequence it often happened that the same tract of land was assessed to more than one person. For example, A entered land in 1859 and the register of the land office furnished the auditor with an account of the entry. This was then sent to the assessor in the early part of 1860 and the land was entered for taxes in A's name. Meantime he had sold the land to B, who listed it and paid the tax. By and by it was sold for taxes because A failed to pay. It may be that B knows nothing of this until C, who bought it at the tax sale, calls for confirmation of his title. Then, if B has lost his tax receipt, he has no redress.

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[104]Laws of Mo.; Laws of Ark. (1835), p. 469.

[105]Act of Jan. 6, 1853.

[106]Act of Oct. 23, 1835.

[107]House Journ., 1868-9, p. 20

As a remedy for all these evils the auditor suggested that the lands be assessed in order in township and range.[108] Something very much like the present system, that of writing opposite the owner's name the section, township, range and school district, was adopted in 1873. However, in 1878, the auditor still complained that many lands were returned delinquent on which the taxes had been paid. Whether any lands now escape taxation the writer is unable to say, but it seems a little strange that the number of acres returned for taxes has decreased nearly half a million since 1900.

MERCHANTS.—The first revenue law after merchants became subject to the property tax (1836) provided that they should be taxed on the stock purchased each year. Doubtless they sold many articles without reporting them. The law of 1846 required them, within ten days after purchasing and exposing for sale any article of merchandise, to furnish the collector with a sworn written statement of the cost of such article.[109] This law was included in the digest of 1858. The law of 1873 simply required the average value of his stock in trade for the year previous to making assessment. No merchant was required to pay a tax on any property assigned to him for sale from any other part of the State, nor from any other place for the sole purpose of being forwarded, provided he had no interest in such property nor was to receive any profit from its sale. In 1879 Governor Miller complained that the law could not be understood, no two officers construing it alike, but the law remains practically unchanged except for the paragraph about property assigned, which has been dropped.

Practically the same law applies to manufacturers.

BANKS.—With the increasing complexity of modern industrial life more and more distinctions have been made in assessments. In 1873 banks were defined and required to deliver to the assessor a correct statement, sworn to by the president and cashier, of their capital, undivided profits, moneys, credits, or personal property converted into bonds of the United States or of Arkansas and in possession of the bank on the first Monday in

[108] Auditor's Report for 1860, pp. 6-7.

[109] Acts of Dec. 16, 1846.

June, and the amount loaned to or received by the bank on deposit not payable on demand, except for clearing house business on which no interest is received by the bank making the deposit. The sum of all these makes up the sum employed in banking.[110] The shares of stock which the owners are not required to list in person are to be listed by the president in the owner's name, but the bank is to pay the tax and recover from the stockholder. Banks are required to report to the assessor within thirty days after commencing business. This law is still in force with practically no change.

EXPRESS, TELEGRAPH, AND INSURANCE COMPANIES.—These were honored with special notice in 1873. They were required to report the gross receipts for the year, less any sums paid to railroads and steamboats for carrying freight, and this sum was to be assessed as personal property. This statement was to be made out by the general agent and delivered to the county clerk (assessor, 1883) of the county wherein he had his chief office of business. The office furniture and other real and personal property of such companies was to be assessed as other like property in the counties where located. Sleeping or dining car companies were added to the list in 1893 and the method of treatment was changed.

According to this law, which is still in force, the companies named above are required to file with the board of railroad commissioners, (1) a copy of their articles of incorporation; (2) a statement of the amount of capital stock subscribed and the par and market value thereof; (3) the number of miles of railroad, within or without the State, over which the sleeping car and express companies do business and the miles of line employed by the telegraph companies; (4) the miles within this State for the same. If the board are not satisfied with the statement, they may seek evidence aliunde. For purposes of taxation the board are to assess the capital stock of the companies in such proportion as the number of miles in this State bears to the whole number of miles operated. The county taxes are apportioned according to the number of miles in each

[110]So much of the capital stock as is invested in real estate should be deducted from the capital in assessing it. Hempstead Co. v. Hempstead Co. Bank, 73 Ark. 515.

county. This is reported by the secretary of state to the assessor who then enters the same on his books and receives a fee for it. Provision was made also for the collection of back taxes.[111]

Miscellaneous corporations.—Railroads, which will be discussed later, were the only other corporations distinguished for special assessment in 1873. In 1883 mutual loans, building, gas, telephone, water and "other corporations and associations," were required to report to the assessor (1) the amount of the capital stock authorized; (2) the amount paid up and its market or actual value; (3) indebtedness, except for current expenses; (4) true value of all tangible property, yet the law did not say specifically what should be taxed or how. The same year pawnbrokers were required to list all property held by them at the time for making assessments. These laws are still in force.

Railroads.—The act of 1873 provided that the county clerks of the counties through which any railroad ran should constitute a board of assessors. They were to require the officials of the road to give, under oath, a detailed statement of the rolling stock, moneys and credits of the road, and the value thereof. The road-bed, water and wood stations, and other realty necessary to the daily operation of the road were to be treated as personal property. The clerks were then to apportion the assessments to the counties, cities, towns, and districts.

By the law of 1883 the assessment was not to include "embankments, tunnels, cuts, ties, trestles, or bridges." In 1886 the railroad commission disregarded this provision as repugnant to that clause of the constitution forbidding exemptions other than those named therein. The result was a raise in the assessment from $9,612,773.31 in 1885 to $13,704,638.78 in 1886. Several of the railroads fought this through all the courts, but without success.[112]

The law of 1883, slightly modified by a few amendments, is still in force. As incorporated in Kirby's Digest this requires the railroad company to furnish the secretary of state with a statement every first Monday in May showing (1) the miles of main track line, side tracks, etc., in each county, city and town

[111]Act of April 8, 1893. Kirby's Digest, secs. 6229-6933.
[112]Governor Hughes's Message, Jan. 1887, pp. 27-8.

through which the railroad runs; (2) the fair and actual aggregate value of the whole railroad, taking into consideration the entire right of way and estimating everything on the right of way which adds to its value. For purposes of taxation this is known as the "railroad track." The movable property is treated as personal property and is called "rolling stock." This includes cars, locomotives, etc., leased for not less than six months, but not such as are passing through or temporarily in the State. The schedule must show the number of miles in this State and in other states on which the rolling stock is used and the amount of all the rolling stock owned by the company.

In fixing upon the value of the rolling stock for taxation the railroad commissioners, who meet the first Monday in June each year, must divide the entire value thereof by the total number of miles and multiply this by the number of miles in Arkansas. After apportioning it in the same way among the counties it is then reported to the assessors. All other personal property except rolling stock is assessed in the county where situated on the first day of July.

If any company fails or refuses to furnish the required statement, the board may proceed to ascertain the value of its property and assess the same. The penalty for such failure or refusal is a fine of not less than $1,000 nor more than $10,000.

3. Valuation.

Except for the minimum value of $3 per acre set upon lands previous to 1864 the rule for all ad valorem taxation has always been at its "actual," some times the "fair" value. Some statutes have expressly stipulated that the price real estate would bring at auction or forced sale should not be taken as the criterion of value. Personal property is to be listed at the selling price of similar property. The selling price of stocks and bonds may be used to determine their value. Money in actual possession or on deposit in or out of the State is to be listed at the full amount. To all of this the owner, who himself sets the value, is to swear, "So help me God."

For many years the penalty for failure to deliver such lists or for fraudulent returns was simply a double tax. The false

return has been declared perjury and any one guilty thereof may be fined not over $100 and confined in jail not over three months.

If it was the intent of the lawmakers that these provisions should be carried out, there is, perhaps, no act in which they have more miserably failed. Under-valuation is notorious, so much so that the boards of equalization take note of it. In petitioning for redress, aggrieved parties openly show that property is assessed at not more than 40 per cent. of its value and beg that their assessments may be reduced accordingly and such prayers are heard. The writer was told of a bit of real estate which sold for $6,000 and was assessed at $600 and of a stock of merchandise which was insured for $80,000 and assessed at $800. However, these probably are extreme cases. The generally accepted average seems to be about 40 per cent. So strong is this feeling that even the railroads are let off with that amount.

Very few are the consciences so tender that they will not swear to under-valuations. They simply call for a higher rate and hurt no one, so long as universal. But inequalities arise in different counties and sections. It is impossible to tell the extent of these inequalities in detail without making examination on the ground, but it may be worth while to give a few suggestive comparisons. The average value of horses in Benton County in 1906 was $25; in Jefferson County, $26; in Little River and Pulaski Counties, $29; in Garland, $36; in Izard, $56. As Izard is not particularly famous for its horses—it has no race track as Garland once had—the inference is that its horses, and perhaps all other property, are assessed at a figure nearer the real value than is the case in the other counties. It makes no difference to the citizen of Izard whether the property of Benton and Pulaski is assessed at 10 or 100 per cent. for local taxes, but it does make a difference in State taxes, for all must pay at the same rate.

4. Equalization.

During Territorial days persons who thought themselves aggrieved by the assessor might appeal to the clerk of the circuit court who passed on all lists and returned them to the

sheriff.[113] This power of the clerk seems to have been disputed by the county court of Pulaski County in 1833, but the legislature stood by the clerk.[114] The revenue law of 1838 turned the matter over to the county courts. This arrangement seems to have continued until 1873, when the county supervisors, who performed the functions of a county court, were authorized to take the matter in hand. The revenue law of 1883 provided for a board composed of three intelligent citizens, real estate owners, and qualified electors, to be appointed by the governor, serving two years. They are to meet annually on the second Monday in September for the purpose of equalizing the assessor's list. Appeal is allowed from the board to the county court and from the county court to the circuit court.[115]

There is no State board of equalization nor any officer or officers who can exercise the power of such a board. A commission of some kind might be able to correct some of the inequalities mentioned under the subject of Valuation.

IV. COLLECTION.

1. Collectors.

Sheriffs, etc.—The sheriff has always been the collector, except that some of the more populous counties have been given special collectors. Clerks and others issuing licenses have always been the collectors of the fees charged for the same. Clerks also collected fines and forfeitures and accounted for them to the collector, but this was turned over to the sheriff in 1838. For a time (1845 and 1875) non-residents were allowed to pay their taxes directly into the treasury, but this was repealed. The secretary of state collects the corporation franchise tax, and he and the auditor and the land commissioner collect certain fees.

2. Compensation.

The laws of Missouri were a little vague on this point. The sheriff was assessor and collector both and he was allowed "4 per cent. on the amount collected after the list had been cor-

[113]Laws of Arkansas (1835), p. 469.
[114]Act of Nov. 16, 1833.
[115]Kirby's Digest, secs. 6991-7006.

rected by the clerk of the circuit court and 6 per cent. on the county and Territorial tax collected." This vagueness was removed in 1825, when the sheriff was allowed "no more than 3 per cent. for collecting the taxes," but two years later this was repealed and the previous law revived. In the law of 1838 the collector was allowed 8 per cent. of the county taxes collected. Four years later this was reduced to 5 per cent. and this remained in force until after the Civil War. In 1850 (Dec. 12 and 18) they were allowed, besides the foregoing, 5 cents a mile for going to Little Rock to settle their accounts. The act of July 23, 1868, raised the fee to 5 per cent. of collections, but this was reduced to 3 per cent. in 1873 (April 28). Their mileage was increased to 10 cents in 1867 (March 21), and in 1871 (March 23), they were allowed 2.5 per cent. on fines, penalties and forfeitures collected for the school fund.

The law of 1883 adopted a graduated scale. For the first $10,000 collected, 5 per cent. in kind; from $10,000 to $20,000, 3 per cent. in kind; over $20,000, 2 per cent. in kind. He also received 1 per cent. on the amount collected for liquor license. This was not paid out of the revenue, then $700 for State and county, but by the person taking out the license. The mileage and general revenue provisions remain unchanged, but the allowance for collecting fines, etc., was raised to 3 per cent. in 1875, and to 2 per cent. on liquor licenses in 1891. Since 1887 the collector has also been allowed the same fees for making levy and sale of goods for taxes as is allowed to sheriffs for making levy and sale of property on execution.[116]

3. Funds Receivable.

No law seems to have regulated the subject of funds receivable for taxes prior to 1845. The auditor's reports reveal some interesting facts on the financial conditions of the State. The total revenue for the year 1835-6 was $10,546.18, all of which was paid in various kinds of scrip.[117] An effort was made to improve conditions in 1845 (Jan. 8), when it was enacted that only par funds, which meant current money of the United States or treasury warrants of Arkansas, should be received for

[116]Kirby's Digest, secs. 3503, 7071-2, 5107; Acts of 1887, p. 32.

[117]Auditor's Report in H. Journals, 1836, p. 31.

State taxes. Collectors were required to pay over to the State the funds which they received. County warrants were made receivable for county taxes in 1838.

An ordinance (No. 89) was adopted by the convention of 1861, requiring one-third of the taxes to be paid in specie and allowing the balance to be paid in State bonds, coupons or treasury warrants. November 14, 1861, this was repealed and Confederate bonds and treasury notes and State war bonds, coupons and treasury notes were made receivable for taxes.[118]

In the financial straits following the Civil War treasurers' certificates, bearing interest, were resorted to and, by act of July 23, 1868, these certificates were receivable for all State taxes, except taxes for school purposes, and for debts due the school fund. The following year they were made receivable for all State, county and municipal taxes, and for all debts due the State at face value with accrued interest. In 1871 the law was amended so that such certificates were not receivable for interest on the public debt. The State liquor license tax was excepted in 1873.[119] As the law now stands, warrants are receivable for taxes by the authority issuing them, State warrants issued prior to July 23, 1868, excepted. Payments made for the redemption of land sold for taxes must be made in coin of legal tender.[120]

V. DELINQUENTS.

The law has always fixed a time within which the taxes for any one year must be paid. Those who fail to pay within this time are called delinquents and some sort of provision has always been made for the collection of the taxes due from such persons. The time set for the payment of taxes and the period within which one may redeem lands sold for taxes have changed, the days of grace for redemption being somewhat shorter than in former days; the penalties also have been changed so that

[118]Convention Journal, 446, 472; Acts of 1861, p. 19.

[119]The supreme court held that these funds were receivable as directed in the law, but that State scrip issued since the passage of any act levying a tax or authorizing any county or municipality to levy a tax to be paid in United States currency could not be taken in payment of that tax. English v. Oliver, 28 Ark. 317.

[120]Murphy v. Smith, 49 Ark., 37.

they are somewhat higher. Otherwise the law is not essentially different from what it was at the beginning.

The present law requires the payment of taxes not later than April 10 of each year. Within seventy days after that date the collector is required to furnish the clerk a list of delinquents on personal property and these are to be published two weeks in a newspaper. Whenever the collector can find any personal property belonging to such delinquents, he is required to distrain and sell the same in sufficient quantity to cover the taxes due and a penalty of 25 per cent. After two years, if it has been found impossible to collect the tax from any delinquent, the county court has power to strike his name from the list of delinquents.

The list of delinquents on real estate must be made out by the second Monday in May of each year. The penalty is 25 per cent. This list must also be published in some newspaper and be kept posted in the office of the clerk for a year. If the tax, together with the penalty, has not been paid within that time, the lands are to be sold by the collector at the court house. If no one will bid the amount due, the lands are stricken off to the State. The delinquent may redeem his lands within two years by depositing with the county treasurer a sum of money equal to the taxes, penalty and cost and the taxes subsequently paid by the purchaser, and 10 per cent. on the whole amount paid. If not redeemed within two years, the clerk is required to make out a deed to the purchaser.

The scope of this paper will not allow an account of the operation of the law of delinquents. Sufficient here to say that it has always been a fruitful source of litigation. There is hardly a volume of the supreme court reports which does not contain one or more cases on the subject. The general tendency of the court has been to construe the law strictly and in favor of the delinquent.

Any extended discussion of the subject of taxation would be out of place in a paper of this kind, but the writer wishes to add a few observations which seem more or less appropriate.

The franchise tax on corporations and the inheritance tax are comparatively new in the system of taxation for Arkansas. Their operation will be watched with interest and a thorough

study of the system, both here and elsewhere, should be made with reference to future developments.

It was noticed that the rate of the property tax has always been fixed by law. Some states leave this to be determined by a board, which is governed by the appropriations and the amount of taxable property. In this way it is possible to avoid a deficit or a surplus, though this may possibly be overbalanced by certain evils.

Perhaps enough has already been said on the subject of valuation and equalization. This certainly is one of the weak points in the present system.

One small untouched source of revenue is that of depositing the funds of the State in banks. Several states follow this practice and net handsome sums.

The question of the occupation tax is one deserving of serious study. Some states, for example Alabama, have long lists of occupations taxed for state purposes. Whether this is a wise policy is a question separate and apart from the question of the attitude of the court to such taxes in Arkansas.

One might reasonably expect to find all the sources of revenue mentioned in a revenue code, but such is not the case in the code of Arkansas. For example, river traders are not mentioned there, though given a separate chapter in the Digest. The taxes levied for the sinking fund, the capital fund, and for the Confederate pensions, also must be sought in other chapters.

TABLE I
TAXABLE PROPERTY

	Population		Polls		Taxable Land and Improvements		Town Lots		Railroad Tracks Assessed as Real Estate	Slaves over 5 and under 60 years of age		Sawmills		Tanyards	
	White	Colored			Acres	Value	No.	Value		No.	Value	No	Value	No	Value
1838	53,905	15,444	.....	.....	2,223,984	7,224,625	1,370	601,903	.....	5,717	2,831,150	49	87,860	19	10,250
1840	77,174	19,935	.....	.....	2,535,805	11,325,424	5,226	1,410,506	.....	10,148	5,465,345	84	162,251	34	15,088
1845	111,125	32,845	.....	.....	3,139,442	10,666,603	6,636	1,498,855	.....	18,180	6,773,432	98	71,800	65	20,050
1850	152,918	45,878	26,727	.....	4,987,919	15,762,190	9,841	1,289,580	.....	32,399	13,455,976	144	98,130	92	28,130
1855	.....	.....	34,520	.....	5,995,442	27,316,541	16,234	2,799,465	.....	25,611	25,530,101	122	213,319	86	32,454
1860	362,115	114,241	46,637	.....	10,253,685	52,767,165	17,590	.....	.....	68.373	48,411,896	300	356,027	107	35,175
	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1870	362,115	122,169	81,637	.....	14,355,506	49,428,143	.....	9,515,211	.....	.....	.....	.....	.....	.....	.....
	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1880	591,531	210,666	156,441	.....	19,884,109	47,856,044	.....	9,209,623	.....	.....	.....	.....	.....	.....	.....
1885	.....	.....	.....	.....	22,486,836	64,660,104	.....	17,612,991	.....	.....	.....	.....	.....	.....	.....
1890	818,752	309,856	227,155	.....	.....	71,399,352	.....	25,463,479	12,554,326	.....	.....	.....	.....	.....	.....
1895	.....	.....	249,252	.....	22,299,657	70,659,531	.....	30,887,399	17,760,333	.....	.....	.....	.....	.....	.....
1900	944,850	366,752	274,443	.....	22,731,957	76,857,208	.....	34,286,563	16,940,896	.....	.....	.....	.....	.....	.....
1903	.....	.....	296,917	.....	.....	93,964,045	.....	41,988,726	23,547,267	.....	.....	.....	.....	.....	.....
1905	.....	.....	319,503	.....	22,314,506	103,939,908	.....	55,309,630	40,082,024	.....	.....	.....	.....	.....	.....
1907	.....	.....	322,028	.....	25,843,178	114,463,626	.....	62,778,728	39,848,276	.....	.....	.....	.....	.....	.....

Year	Distilleries		Household goods	Pleasure carriages		Horses over 3 years old		Mules and asses over 3 years old		Neat Cattle over 3 years old		Sheep	
	No.	Value		No.	Value	No.	Value	No.	Value	Number	Value	No.	Value
1838	23	2,575	.....	26	5,415	13,779	768,112.00	.....	.....	35,781	399,032.00	.....	.....
1840	55	8,145	27,750	79	16,885	23,831	1,397,568.50	1,264	102,546	59,070	755,171.50	.....	.....
1845	38	3,758	11,600	138	17,820	34,248	1,097,985.00	4,183	161,376	97,823	669,207.00	.....	.....
1850	38	2,680	39,660	298	36,566	45,916	1,716,780.00	7,618	393,389	140,388	954,766.00	.....	.....
1855	26	2,397	61,279	1,031	136,853	54,384	3,042,989.00	14,939	1,198,963	193,107	1,697,300.00	.....	.....
1860	66	7,041	136,234	2,550	356,630	70,110	4,508,935.00	26,898	2,477,231	266,088	2,958,055.00	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1870	.....	.....	.....	.....	443,212	96,616	5,971,960.00	36,425	3,507,947	363,164	3,804,469.00	167,151	325,454
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1880	.....	.....	.....	27,293	876,574	154,893	5,528,131.00	86,870	4,210,855	699,839	4,500,778.00	317,565	344,950
1883	.....	.....	.....	81,877	2,064,381	156,919	6,842,174.00	106,596	5,712,543	676,923	5,822,217.00	204,534	234,811
1890	.....	.....	.....	109,118	2,532,750	209,445	8,995,314.00	132,736	7,587,304	1,007,058	6,445,710.00	233,081	246,341
1895	.....	.....	.....	114,562	1,994,555	233,815	6,743,379.00	147,861	5,487,691	752,537	4,458,624.00	247,148	245,778
1900	.....	.....	.....	141,136	2,741,517	255,167	7,370,528.00	180,223	6,844,896	780,272	7,056,607.00	230,360	270,294
1905	.....	.....	.....	160,678	3,391,315	253,197	9,318,300.00	205,901	9,078,274	1,000,227	8,381,961.00	205,477	225,475
1905	.....	.....	.....	179,976	3,838,452	265,611	10,290,846.00	200,197	10,447,282	1,098,199	7,965,059.00	158,314	174,784
1907	.....	.....	.....	182,917	4,197,753	256,447	11,660,615.00	244,674	12,298,948	914,678	7,119,234.00	135,351	165,724

Year	Hogs		Value of goods of merchants and commission merchants	Money loaned at interest	Capital in steamboats, ferries and toll bridges	Gold watches and other jewelry	Pianos	Capital in manufactories and insurance companies	Material and manufactured articles	Money, credits and bank accounts	Money invested in bonds, joint stock companies, etc	Property as banker, broker and stock jobber
	No.	Value										
1838	.....	.....	401,932	.....	.....	.....	.....	.....	.....	.....	.....	.....
1840	.....	.....	1,011,017	102,435	.....	.....	.....	.....	.....	.....	.....	.....
1845	.....	.....	722,417	523,326	.....	.....	.....	.....	.....	.....	.....	.....
1850	.....	.....	905,383	157,751	23,433	51,788	.....	19,628	.....	.....	.....	.....
1855	.....	.....	2,341,342	603,661	53,889	144,688	.....	34,638	.....	.....	.....	.....
1865	.....	.....	5,653,071	1,107,010	98,455	264,772	.....	54,844	.....	.....	.....	.....
	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1870	711,529	1,629,889	4,847,669	.....	.....	284,414	151,119	.....	575,345	3,057,485	355,881	332,004
	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1880	1,297,325	1,623,053	4,667,210	.....	.....	274,662	193,714	.....	342,990	3,564,445	.....	.....
1885	1,199,658	1,568,856	6,362,966	.....	.....	122,587	341,627	.....	733,031	5,360,895	415,661	328,030
1890	1,330,343	1,562,139	8,278,999	.....	.....	465,498	575,726	.....	1,334,790	7,171,415	764,269	505,442
1895	1,306,785	1,596,562	7,018,606	.....	.....	461,395	623,416	.....	1,429,877	6,315,370	1,141,673	780,795
1900	1,365,719	1,576,034	9,642,281	.....	.....	440,711	847,024	.....	2,642,246	8,344,911	1,029,113	2,362,753
1903	1,049,254	1,379,773	13,491,746	.....	.....	469,953	1,129,778	.....	2,872,216	9,039,607	2,165,813	1,981,674
1905	1,183,506	1,489,625	13,631,966	.....	.....	482,506	1,255,151	.....	3,030,447	9,569,370	1,190,792	2,909,450
1907	1,197,613	1,628,758	15,526,336	.....	.....	498,717	1,418,188	.....	4,943,270	10,735,542	1,526,176	3,404,658
											1,686,209	5,603,068

Year	All other personal property	Moneys and credits converted into bonds and other securities	Personal property of railroads	Total personal property	Total real property	Grand Total	Amount of State Tax
1838	.....	.....	.....	.....	.....	15,564,284.00	21,159.74
1840	.....	.....	.....	.....	.....	23,011,433.35	31,095.03
1845	.....	.....	.....	.....	.....	20,769,514.33	30,154.57
1850	.....	.....	.....	.....	.....	34,935,885.74	93,540.21
1855	.....	.....	.....	.....	.....	65,479,734.00	170,078.34
1860	.....	.....	.....	.....	.....	122,455,400.00	.....
	.....	.....	.....	.....	.....	.....	.....
1870	4,266,111	.....	.....	.....	.....	90,196,763.00	.....
	.....	.....	.....	.....	.....	.....	.....
1880	7,263,823	.....	.....	34,125,986	57,065,667	90,511,653.00	92,007.54
1885	15,397,740	.....	.....	52,133,530	82,273,095	134,406,625.00	251,097.62
1890	14,144,285	735,250	3,932,465	65,320,597	109,417,158	174,737,755.00	566,216.67
1895	11,164,866	420,925	3,285,580	61,659,878	118,916,068	174,658,755.00	700,821.46
1900	15,199,766	474,522	6,234,192	73,824,116	128,084,667	201,908,783.00	755,787.02
1903	18,736,755	1,089,911	7,577,763	90,279,069	159,500,039	249,779,108.00	961,007.46
1905	20,600,899	364,875	7,327,219	100,399,315	199,331,562	299,730,877.00	1,021,154.86
1907	23,276,225	839,273	6,503,399	111,142,043	217,090,630	328,232,673.00	1,551,746.19

TABLE II

STATE OCCUPATION AND PRIVILEGE TAXES

Year	Peddlers[1]	Sewing machine agents or companies	Liquor license	Fees collected by state officers[3]	Insurance[4]		
					Fees	Taxes	
1880	100[2]	...	199,729.75	1,951.75	2,345.58	1,386.20	.....
1885	850	600	203,544.62	13,330.99	3,620.00	6,900.44	.....
1890	2,300	400	205,126.32	18,777.60	9,065.00	23,659.71	.....
1895	375	800	151,025.66	18,396.35	8,070.00	30,103.24	.....
1990	325	400	208,413.70	26,314.35	14,805.00	34,513.42	.....
1903	1,375	800	245,028.25	49,963.25	28,101.00	75,841.54	.....
1905	1,975	800	262,246.06	72,396.60	35,313.80	84,961.11	.....
1907	950	400	112,441.75	177,238.70	26,713.00	56,446.03	.....

[1]Peddlers, 1840, $25, 1845, $775; 1850, $125; 1855, $125.

[1]Peddlers of clocks, 1840, $300; 1845, $100; 1850, $100. None since 1851

[2]Figures are for two years.

[3]Does not include Land Commissioner, nor funds for sale of books. Nearly all collected by the secretary of state. In 1905 he reported $72,215.30 in a total of $72,396.60. Collected mainly in corporation fees.

[4]Beginning with 1905 the fees and taxes collected from fire, life and mutual assessment insurance companies are reported separately. Only the totals are given here.

ARKANSAS COLLEGE.

By Eugene R. Long.[1]

Several efforts prior to the organization of Arkansas College had been made in this State to establish institutions of learning under Presbyterian control.

"As far back as 1854 an act of incorporation was secured for the Batesville Male and Female Academy, the trustees of which were the existing session of the Batesville Presbyterian Church. A frame building was erected, and a school organized and conducted for some years without interruption. A short time before this, a charter was secured for a higher institution to be under the control of the Synod of Arkansas, to be called "Makemie College." (Variant spelling "McKemie" named in honor of Francis McKemie, the Presbyterian minister who began his labors in America about 1684.) The measure was talked of in Synod, and some interest taken in the subject by persons in sympathy with the movement in different parts of the State, but no practical results reached. Again, a similar movement was made a few years afterwards. This promised in 1860 to progress towards an organization chartered as 'Arkansas Synodical College.' Funds were subscribed and the location selected at Arkadelphia. But the war between the states, with its disastrous results, gave what eventually proved to be a death blow to the enterprise. When the writer was first in the State in the summer of 1866, there was, so far as known to him, no school in operation within the limits of the State, which could be said to be under Presby-

[1]Eugene Rufus Long, son of Isaac J. and Callie P. Long, was born in Sumter District, South Carolina, December 10, 1862. He moved to Batesville, Arkansas, in 1867, where he has since resided almost continuously. He graduated from Arkansas College and became professor therein in 1883, which position he held until 1895, when he accepted a professorship in the Southwestern Presbyterian University, Clarksville, Tennessee. He resided there during the sessions 1895-7. Was re-elected president of Arkansas College in 1897, and has served as such since that date, as well as professor of biblical literature and political science. He married December 26, 1900, Miss Sallie C. Meek of Warren, Arkansas, daughter of the late J. R. S. Meek of Bradley County. He has served as moderator of Arkansas Presbytery and of the Synod of Arkansas, and was a member of the Presbyterian General Assembly of 1903 and of the Pan Presbyterian Council in Liverpool in 1904. President Long also takes an interest in the business affairs of his town. He has served as a director in several corporations, and at present is a director of the First National Bank, and an alderman in the city council of Batesville.—Editor.

terian control. In the fall of 1866 the Batesville Academy was reorganized as a school for girls and small boys, with Mrs. A. W. Lyon as principal."[2]

There had been a number of academies in the State before the war, taught by Presbyterian ministers, and some of these were more than of a local character. Among them may be mentioned Sylvania Academy under the guidance of Rev. J. W. Moore, the pioneer Presbyterian minister of the State; a female academy at El Dorado under the management of Rev. A. R. Banks and wife, besides academies at Mount Holly, Washington, Tulip and elsewhere (largely in south Arkansas) taught thus.

Rev. Isaac Jasper Long, D. D., the educational founder and first president of Arkansas College, moved from South Carolina to Arkansas in the spring of 1867—having been sent by the committee on domestic missions of the Southern Presbyterian church, on a tour of investigation in 1866, to the State to ascertain the condition of affairs there existing in that branch of the church, after the awful struggle through which the country had just passed. Miss Sallie J. Kennedy, a sister-in-law of Dr. Long, who had moved with him from South Carolina, became in the fall of 1867 principal of the academy above alluded to, but in the following year, in addition to his labors in the local Presbyterian church and in preaching at some points in adjoining counties, Dr. Long was induced to assume the principalship of the academy. He had some regular classes therein during the session of 1871-2, though prior to that time, beginning with January 1868, he had taught classes of boys and young men for part of the day in his study, and the instruction and management of the academy had largely been carried on by the following three ladies, viz.: Miss Sallie Kennedy (Mrs. M. A. Wycough), Miss Lou Davies (Mrs. E. R. Goodwin) and Miss Mollie McIntosh (Mrs. C. E. McGuire).

Within the bounds of the Presbytery of Arkansas (which formed a part of what is popularly known as the Southern Presbyterian church) there were in 1871 about 1000 members,

[2]Extract from a manuscript sketch by Rev. I. J. Long, written in 1872.

scattered over an area embracing more than one-half of the State, and only a dozen Presbyterian ministers actively engaged in these churches. Batesville at that time had a total population of considerably less than 1000—the white population as enumerated the year before being 647. Recovery from the effects of the recent great struggle was slow, and the disastrous effects of the sequel of that struggle were visible in the condition of the institutions of learning in Arkansas. The general interest in higher education was at a very low ebb in the State as compared with subsequent development. However, in spite of these conditions, through correspondence begun by Rev. I. J. Long late in 1871, which passed between him and Rev. T. R. Welch, Little Rock; Rev. S. W. Davies, Cotton Plant (now Fayetteville); Rev. D. C. Boggs, Jacksonport, it was determined to make an effort to found an institution of learning, to be developed as rapidly as possible into a college under the control of the Presbytery of Arkansas. As giving some details connected with the inception of this undertaking the following extract is made from a sketch written for the *"Arkansas Presbyterian"* in 1891, by Rev. I. J. Long a few months before his death, viz.:

"A few of us were convinced that something ought to be done in making some effort, however humble, to found an institution of learning wherein the Bible should form a prominent department of instruction, to be then under the control of the Presbytery of Arkansas, yet none could see how such a work could be entered upon with any reasonable prospect of success. It would have been, from a human standpoint, a more hopeful undertaking at the time, and under all the existing circumstances, to have started to build a railroad from White River to the Pacific Ocean with a pick and shovel and fifty dollars to start on, for there would have been hopes of enlisting the interest of capitalists in such an undertaking as that.

At Batesville there was a small school building belonging to and under the control of our little church there. (This church at that time consisted of thirty members.) In this building had been organized and was then in operation, taught chiefly by two ladies with some little assistance from the writer, the only school of any kind under Presbyterian auspices in the State. But there were only two small town lots attached to this property, making it too small for available purposes. In the ante-bellum days two men got into a dispute about the ownership of five lots, one half block, then on the borders of the town. One proposed to the other that rather than get into a costly and tedious lawsuit, they would jointly give the disputed lots to some benevolent object. This proposal was accepted, and they selected a Christian school under Presbyterian control. The writer found this deed of trust on record some

years before, and hoped it could be used for the benefit of the school before alluded to. He procured two able lawyers to examine it, and they decided that by the terms of the trust, it was necessary for the school receiving the benefit, to be located upon the lots. So soon as an opportunity offered the other house and lots were sold and the proceeds invested in a wooden building on the premises, and the small school referred to moved into it. Subsequently an opportunity offered to obtain the remaining half of the block. Then at length, with the consent of the parties at interest, an offer was made to the Presbytery to transfer to them the control of this property, provided they would develop the school as rapidly as possible into a literary institution of high order, under their direction and fostering care. In addition, several citizens of Batesville, belonging to different denominations, pledged themselves to raise one-half the amount necessary to put up and equip a building for the school, in addition to the one referred to, on two conditions: first, that while denominational in its control, it should not be conducted as a sectarian school, and, second, it should be permanently located in the town of Batesville.

This proposal was finally presented to the Presbytery at the spring meeting 1872, and formally accepted. A board of trustees was appointed, and the half of what was necessary to erect a suitable building was assumed *on paper.* This fell about $500 short, which was paid at Batesville, in addition to the half before pledged. The cost of the building erected was about $6,000. This charter was secured in October, 1872. The institution had been opened the first of September of the same year. The board had elected a president of the opening college, and two additional professors who had accepted, and announcements had been sent out. Within three weeks of the time of opening they both sent in their declinations, leaving the college with a president, who was also ex-officio professor of whatever no one else wanted, president of the board, chairman of building committee, general manager, solicitor, collector and disburser of funds, organizer, etc., etc., on a prospective salary of $300 per annum. In order to fill up his spare time and exchequer he was pastor of a little church, preaching three times per week, on a salary of about $750 or $800. As to the spare time, this witness can testify that from sixteen to eighteen out of every twenty-four hours were filled to overflowing seven days of each week, for months in succession, and as to the exchequer, by the blessing of the Lord, he, nor any member of his family ever went to bed hungry, from the force of circumstances. By the time of the appointed opening, the vacancies were filled with teachers, on the ground ready for their work. The building, however, was not ready. Three separate departments were necessary, and room for only two. Arranging the other departments in the building we had, the writer gathered up his department of ancient languages, moral science, etc., and like David going out of Keilah, went "whithersoever they could go." Moving four or five times during the winter, we sheltered for a time in a kitchen, in the yard of a friend, who kindly opened its doors to us. Finally, in the spring of 1873, we got into the new bulding, pretty well organized, and under headway. The internal organization now began to assume an improved shape. But the external matters were not in satisfactory condition. Many pledges of assistance had been made, which were not redeemed, and the claims of the contractor had to be met by borrowing some money.

As the writer had to be busied about the internal affairs of the institution, with a pastoral charge on hand at the same time, he was released by the board from all care about, or attending to, the business matters.

At that time the reliable assets, consisting of notes and subscriptions which were regarded as good, were in excess of the liabilities, and what remained was simply a collecting and disbursing process. A committee was appointed by the board, to whom the whole matter of winding up the unsettled business was entrusted. But, as so often occurs, the matter was deferred from time to time. While the assets were constantly growing smaller by deaths and removals of parties who had an interest in the matter, coupled with the natural apathy towards paying old debts, the liabilities were growing larger by constant accumulations of interest. After a few years of this policy of delay, it was found that the debt had grown to about $2,000, while the available assets were several hundred dollars short of that amount.

After several temporizing schemes, suggested by parties who were quite sanguine of their success, had been tried and utterly failed, all at last agreed that it was a business problem and must be solved, if at all, on common sense business principles. Subscriptions were taken from responsible individuals, which were not binding until officially informed that the payment of these amounts would entirely wipe out all trace of indebtedness. The diligent working of this plan, and the liberal terms of settlement extended by the holders of the claim, were successful in freeing the college from the incubus of debt."

The policy referred to concerning debt has been adhered to every year, save one, since that early period of its history, as the fatality of the opposite course has been demonstrated in so many cases in the educational world. Through this policy the perpetuation of the institution has been more largely due to those who have labored in its faculty for unguaranteed salaries for many years, than to any other mere human agency. Only a few years before his death, did the annual monetary compensation of the first president reach the sum of one thousand dollars.

One of the chief glories of many who have nobly labored is, not that they have gained the salary received, but that they have faithfully toiled in spite of the salary received; and as our denominational colleges especially wax richer in the "increase of goods" (as they deserve) happy will they be if the same devotion to duty and to high ideals of character building abide in them, which ofttimes marked the labors of those who wrought well within their walls during the days of greater poverty.

The interest which began to be manifested in a number of Arkansas towns fifteen years after Arkansas College originated, had not yet been developed to a large extent. The wealth of various towns was of course comparatively speaking, considerably smaller in 1872, but in the first subscription raised in

Batesville for the original building, amounting to less than $3500, there was only $1650 contributed in amounts of one hundred dollars and upwards. One payment was $500 and the next largest was $200.

The real estate owned by the college for a considerable time, consisted of the single block on which the original building was located, but the grounds now used for college purposes within the town aggregate more than ten acres. As briefly outlining something of the career of the founder of Arkansas College up to that time, the following, prepared by a friend in 1883, is extracted from a volume of historical interest mainly to Presbyterians (Nevin's Enclyclopædia):

"Isaac Jasper Long was born in Anderson District, South Carolina, February 23, 1834. He graduated at Centre College, Danville, Kentucky, September 16, 1858, with the second honor in a class of twenty-seven. Immediately after his graduation he entered the Danville Theological Seminary. In January, 1859, he was elected as one of the joint principals of the Preparatory Department of Centre College, which position he filled till June, 1860. He was licensed to preach by the Presbytery of Transylvania at Lebanon, Kentucky, April 12, 1860. In October, 1860, he entered the Theological Seminary at Columbia, South Carolina, and remained there a part of the following winter and spring. In April, 1861, he accepted an invitation to supply the Concord church in Sumter District, South Carolina, where he was ordained by the Presbytery of Harmony, and installed pastor, October 31, 1861. Resigning his pastoral charge, he removed to Batesville in 1867, to be the only Presbyterian minister in fifteen large counties, without the promise of a dollar from any source, save the assurance of a few that they would do what they could. Besides his pastoral work in Batesville church, during all those years, he has performed a vast amount of missionary labor in the regions beyond. Dr. Long is a most useful citizen. He takes an active and earnest interest in every movement that relates to the public good, and is held in high esteem by the community. His past record is one of energy, self-sacrifice, and eminent devotion to the Master's work."

After Dr. Long's death, another friend of many years' acquaintance said of him:

"Dr. Long's strong, practical sense and sound judgment, which were his characteristics through life, were never more clearly demonstrated than in his choice of a wife—Miss Caroline P. Kennedy, a daughter of Rev. John Leland Kennedy, his former preceptor in Thalian Academy, South Carolina, to whom he was married August 30, 1859. For thirty-two years of married life she was to him a helpmeet indeed. As a scholar, he was thorough, rather than polished; as a preacher of the gospel, he was logical, forceful and instructive, rather than ornate or rhetorical; as a presbyter, he was wise, practical and effective, speaking comparatively little in our church courts, but always with weight and effect. A high degree of faith and courage, coupled with devotion to

the Master's service, came to be recognized as, in eminent degree, characteristic of the man."

As the leading associate of the founder of this college, in moulding its ideals at the start, was Professor Thomas Jefferson Stubbs, who was actively identified with the faculty for sixteen years from its organization. Professor Stubbs, after graduation from William and Mary College, had entered the Confederate army, and after the close of the war took a post graduate course of study in the University of Virginia. A few years later he moved to Arkansas and engaged in service as an educator in Woodruff County for some time before beginning his work in Arkansas College. His labors in that capacity at Batesville were abundant and efficient, and were interrupted only twice when he served in the state legislature as one of the representatives from Independence County. For a meagre salary he labored zealously in a varied line of instruction (for a considerable part of the time during the entire school day) and many pupils during those years are grateful for training they received at his hands, before he returned, in August, 1888, to his alma mater in Williamsburg, Virginia, where he still (1908) fills the professorship of mathematics.

The first course of study which was inaugurated, placed great stress upon Mathematics, Latin and Greek. The required A. B. course in the first named extended through Calculus; in Latin the authors included were Ovid, Sallust, Virgil, Cicero, Latin Hymns, Tacitus and Horace; in Greek Xenophon, Greek Testament, Eusebius, Sophocles, Plato and Demosthenes; in science, natural philosophy, chemistry, physiology, astronomy and geology, though laboratory equipment was exceedingly slender. There were, of course, other subjects, notably Biblical history, general history, moral science and modern languages, but the departments in which chief development has been made in gaining greater breadth have been English, political science, history and philosophy, with greater exactness in physics and chemistry.

Around the personality of Doctors Long and Stubbs, during those early years, centered the most of the training given of collegiate grade. While others besides these labored during

those years efficiently in the classroom, yet they did not remain continuously for long terms of service. It was hoped by the founder that a third permanent professor had been found in the person of John Edward McMillan in 1881. He was a young man who displayed marked force of character. In order to secure better educational advantages than he could gain at that time in his native county (Boone) he had walked alone in the midwinter over the rugged intervening country one hundred and thirty miles to enter Arkansas College in January, 1875. There he graduated in the class of 1880. After a year spent in theological study he was licensed to preach, and had accepted work in supplying Batesville Presbyterian church for two Sabbaths each month, in connection with duties as professor in Arkansas College to begin September, 1881. But just on the eve of starting upon a visit to his parents near Harrison, Arkansas, he was stricken with sudden illness, which in a few days terminated his earthly life of unusual promise on August 7, 1881.

Dr. Long was relieved of his pastoral connection with the Batesville church in 1883, in order to devote his time more entirely to the college, but twice after that time, because of the physical breakdown of those ministering to the congregation, was he called back to pulpit ministrations there, so the period of entire release in that capacity was a short one.

The first board of trustees named in the charter issued October 24, 1872, consisted of the following, viz.: Rev. Thomas R. Welch, Little Rock; Rev. I. J. Long, (who resigned in 1875), Dr. John F. Allen, Aaron W. Lyon, M. Adolphus Wycough, Wm. L. McGuire, Eugene R. Goodwin, Batesville; Rev. D. C. Boggs, Col. Wm. K. Patterson, Wm. W. Kerr, Dr. W. J. Burt, Jacksonport; V. H. Henderson, Cotton Plant. The last two named did not participate in meetings of the board—Dr. Burt moving in a short time to Austin, Texas.

Of the charter members, A. W. Lyon had longest been identified with Batesville both in an educational capacity and otherwise. He had graduated at Union College, New York, in 1824, and had subsequently entered Princeton Theological Seminary in his native state, but on account of failing health was warned by his physicians to seek a milder climate. About 1829 he set-

tled in Arkansas as a teacher in what was known as the Dwight mission among the Cherokee Indians in what is now Pope County. He removed to Batesville in 1833 and engaged in teaching for some years, but entered the mercantile business in 1842. His name occurs first in the list of trustees of "Batesville Academy"—the first academy incorporated in the State, the bill for which was approved by Governor Conway on September 26, 1836. He was the first vice president of the Arkansas College board, and continued as such until he left during 1883 (in the eighty-sixth year of his age) to remove to California, where he died in his ninety-second year. Of him it has been said by one who knew him intimately for many years where he so long resided, that "no enterprise was ever projected in the county where he lived, having for its end the glory of God and the good of his fellow men, which did not meet with his hearty co-operation."

Rev. T. R. Welch, D. D., of Little Rock, remained the first president of the board of trustees until his death on March 25, 1886, in Hamilton, Ontario, whither he had gone the year before for his health, and where, during his residence, he was serving as United States consul. Dr. Welch rarely missed a meeting of the board, though only for the last two meetings he attended was it possible to reach Batesville by railroad. By his valuable counsel and interest manifested in various ways, he did much in moulding the career of the institution. In November, 1880, (on the recommendation of his close personal friend, Dr. I. J. Long) Dr. Welch was elected president of Arkansas College, and Dr. Long acted as chairman of the faculty. Because of Dr. Welch's long continued acquaintance with the Presbyterian church throughout the State, which began in 1851, and his weight of influence, it was felt that he could do much for the college in that relation, but he declined the position tendered. On the night, however, during which his sudden death occurred, Dr. Long received a letter from him stating that it was his purpose so soon as his health was restored (D. V.) to identify himself actively with the college in giving theological instruction to students for the ministry, if the plans then under consideration should be carried out.

Through bequests in the will of Dr. Welch and his widow (who died December 25, 1891) Arkansas College received the largest addition made by any two persons to its endowment—the amounts realized in this way being about twelve thousand dollars up to this time.

Among those who have been members of the board, the following have been notable for the longest continued service in that capacity, viz.:

Dr. J. F. Allen, of Batesville, served from the organization till his death, September 22, 1901, and was treasurer during that time. He has been to this time the giver of a larger absolute amount to the building equipment than that contributed by any other—more than three thousand dollars.

Judge J. W. Butler, until recently of Batesville, served from 1876 until 1903, and was an officer of the board during the last twenty years of his connection therewith.

Mr. James P. Coffin of Lawrence County, and since 1891 of Batesville, and Mr. Theodore Maxfield of Batesville, were elected trustees in November, 1875; and have been in continuous service ever since—the former having been since 1890 an officer of the board, and is at this time (1908) president. These two present members during their long continued service have seldom been absent from a meeting (as can be said of the former two during their terms) and in many ways have manifested an interest in the welfare of the college to which they have given ungrudgingly of their time and thought, as well as of their means. Judge Butler and Mr. Maxfield have sustained this relation, not through personal connection with the controling denomination, but as members of sister churches.

While not a member of the board for an unusual term, yet in an especial degree is Rev. J. E. Latham, D. D., worthy of mention for the varied interest he displayed in the institution, not only as a trustee for five years, but as an instructor of a few classes for nearly ten years, as a "labor of love" mainly, as acting president for two months during a rather trying period, and as initiating several movements affecting the welfare of the college during the term of his membership in the Synod of Arkansas—all this in addition to his own personal benefactions.

In addition to the trustees hitherto named, the following, as members of the board for the time indicated, have participated in some meetings thereof, and non-residents, in attending such meetings, until recently, have defrayed their own expenses. These are grouped geographically, and the place of residence given is where each resided when his service began. Deceased members shown by asterisk affixed. Non-attending members not included in the list:

Rev. A. R. Kennedy* 1887-'90, Chief Justice H. G. Bunn* 1894-'99, Allen N. Johnson* 1899-1905, Charles McKee 1904-, Little Rock; Dr. J. B. Crane* 1875-'93, M. A. Wycough* 1872-'93, Col. W. A. Bevens* 1881-'90, Wm. L. McGuire* 1872-90, Thos. B. Padgett 1882-90, E. R. Goodwin 1872-80, Judge F. D. Fulkerson 1903-, Batesville; Dr. A. T. Stone 1875-6, Col. Jas. Rutherford 1903-6, Independence County; Col. W. K. Patterson 1872-'6, L. M. Hoffman 1876-83, Jacksonport; Rev. L. H. Richardson, 1901-'2, Newport; John K. Gibson* 1876-80, Col. M. D. Baber* 1882-'90, Powhatan; Dr. T. D. Chunn 1883-'90, Searcy; Rev. W. H. Morrow, 1905-, Augusta; Rev. R. H. Latham 1907-, Walnut Ridge; Capt. C. A. Bridewell 1882-'90, Rev. A. J. Cheatham 1888-'94, Rev. C. C. Williams 1905-, Hope; Rev. E. M. Munroe 1884-'88, Rev. C. H. Murray 1894-'99, Camden; Rev. J. C. Williams 1899-1905, Junction; W. W. Kerr 1894-'99, Russellville; Rev. J. F. Lawson 1898-1904, Warren; Rev. J. M. Brown* 1890-'98, Fordyce; Hon. Clifton R. Breckenridge 1882-'88, Rev. J. L. Caldwell 1893-'97, Rev. J. I. Norris, 1905-, Pine Bluff.

Officers of Board—President: Rev. T. R. Welch, D. D., 1872-'86; Rev. A. R. Kennedy, 1887 till death May 19, 1890; Judge J. W. Butler, 1890-93, Judge H. G. Bunn, 1893-'99; Chas. F. Penzel, 1899-1901; James P. Coffin, 1901-.

Vice President: A. W. Lyon, 1872-'83; J. W. Butler, 1883-'90; 1893-1903; J. P. Coffin, 1890-'93; Rev. J. C. Williams, 1903-'05; F. D. Fulkerson, 1905-'6, 1907-; Rev. J. I. Norris, 1906-'7.

Secretary: E. R. Goodwin, 1872-'74; M. A. Wycough, 1875-'93; J. P. Coffin, 1893-1901; Rev. J. E. Latham, 1901-'05; Rev. W. H. Morrow, 1905-.

Treasurer: Dr. J. F. Allen, 1872-1901; Allen N. Johnson, 1901 till death, Aug. 26, 1905; Chas. McKee, 1905-.

In the session of 1883-'4 a third full professorship was established which proved permanent, and upon nomination by the Presbytery of Arkansas, Eugene R. Long was elected thereto.

Several "sporadic" organizations of the kind had been in operation before 1883, but during the latter part of that year the Philomathean Society was organized, and in the following year the L'Etoile Society originated as the female literary society. In 1891 another male society was added—the Erosophic. These societies have occupied a prominent place in the internal life of the institution. Because of the absence of fraternities,

they have fulfilled some of the best features of fraternity comradeship, and have ever been encouraged as combining most laudable ends in the culture of their members. Each has its own tastily equipped hall.

As there was no adequate auditorium on the college grounds at that time, at the annual meeting of the board in 1885, representatives of the Alumni Association were invited to confer with them concerning the co-operative enlistment of the alumni in the erection of a commodious auditorium to be known as Alumni Hall. The suggestion was heartily received by the alumni representatives. There were only thirty-eight living graduates at that time (and they had the average amount of wealth accumulated by those who had recently left college) but thirty-two of these, together with twelve from those added to the list within the next three years, contributed about half the amount needed to erect a stone building 35 x 90 feet. This building which was erected in 1888, while making no pretensions to be regarded as an architectural model externally, proved most admirably adapted for its purpose because of its excellent acoustic qualities. The original frame building was removed from the grounds in the same year.

Control.—The college was at first under the control of the Presbytery of Arkansas, as noted, though in 1877 the only other Presbytery then in the State (Ouachita) officially accepted an invitation which had been extended three years before to nominate three trustees annually for election by the board. The somewhat awkward plan existed by which nominations for the president and professors were to be made to the board by the ecclesiastical court. In 1886 the Synod of Arkansas embracing then four presbyteries, assumed control through its constituent presbyteries, and the board was reduced to twelve members, of whom seven were to be elected by the board upon nomination from the Presbytery of Arkansas, two from Ouachita Presbytery, two from Pine Bluff Presbytery and one from Washburn Presbytery. It was provided that the number of nominees both in cases of vacancies in the faculty and the board should be greater than the number to be elected. Because of the failure, however, of some of the presbyteries to

make nominations at the proper time, the charter in 1889 was so amended as to make the Synod of Arkansas the nominating body and the number of trustees was reduced to nine. In 1892 the charter was again so amended as to give the Synod the power of electing the board of trustees primarily, and the board was given the initiative in filling all chairs of instruction with a veto power reserved to the Synod. This latter amendment grew out of a controversy which had its beginning in 1890 and culminated in 1892 regarding the removal of the college. Largely because of inadequate buildings, and the feeling on the part of some throughout the Synod that greater interest might be shown in some communities in a synodical college than was manifested in Batesville, the matter was raised at a meeting of Synod in Batesville November, 1890, looking to the securing of bids for the location of a synodical college. The subject was not pressed vigorously at that time further than the appointment of a committee empowered to receive bids and report the following year. The lack of more vigorous action at that time was due largely to the reply made by the president of the college to an inquiry addressed to him on the floor of the Synod, as to whether he would move in case an effort was made elsewhere in the State to develop a synodical college. He stated, in substance, that after more than eighteen years' work then in Arkansas College at Batesville, he felt rather too old to be "transplanted," but did not actively discourage the movement referred to.

It proved to be the last meeting of the Synod that President I. J. Long was permitted to attend. An attack of grip the preceding spring, which he insisted in not considering as serious, had begun to undermine his vigorous constitution, and he was detained from the meeting of the Synod in 1891 by prolonged illness. The committee, of whom mention has been made, reported at that meeting that they had advertised for bids but nothing had resulted save a rather vague offer in Hot Springs which they submitted without recommendation. No action was taken save discharging the committee from further service. After Dr. Long had for nearly twenty years, "borne his burden with sympathy and assistance from a few kindred spirits, his

Master gave him dismission to rest" on December 10, 1891. The board of trustees took action on December 12, and in a circular announcement at once sent forth, stated:

> "Their full recognition of the serious character of the blow given the cause of Christian education in the State of Arkansas in Dr. Long's death, and the irreparable loss to the institution to which he gave the best years of his life," and that "in the unanimous election of Professor Eugene R. Long, Ph. D., to fill the vacany caused by the death of his lamented father, they have been controlled in making this selection by no consideration save the eminent fitness of Prof. Long for the advanced position, and a thorough knowledge of his ability to meet and discharge every duty thus placed upon him."

In a few months the question of removal was again brought into prominence, more decidedly than ever, through a special called meeting at Searcy, March 30, 1892, "for the purpose of considering and determining, if the way be clear, the permanent location of our synodical college now located at Batesville, and of taking steps to raise a sufficient endowment to put this institution on a firm basis." At Searcy, because of pending indebtedness on the splendid plant of Searcy College and an early expiration of the existing lease, some members of the Synod thought the time ripe for negotiations looking towards the securing of that property. At this meeting, however, it soon developed that local sentiment was not unanimous regarding the terms on which the Searcy College property would be transferred, and the representative of the Arkansas College board of trustees (Mr. Jas. P. Coffin), by various citations, demonstrated the very probable legal impossibility of moving any of the assets of the college from its present location—in other words, that the Synod could establish another institution under another name, but could not move Arkansas College, under the terms of the original subscription list drawn in Batesville in 1872.

As a result of the discussion, it was unanimously determined to appoint a committee of fifteen "to examine into the question of the permanent location of Arkansas College, including all proposals for location, all legal questions and such other matters as may arise" and report with recommendations to another called meeting of Synod, to be held in Little Rock. On May

17, this committee reported to the Synod that twelve of their members had met in Little Rock on April 21 as instructed by the Synod, and that propositions had been received from Arkadelphia, Malvern and Batesville, with a request that further time be granted Hot Springs to make an offer, and after full consideration of the matter they recommended the acceptance of the proposition of Batesville upon certain conditions; whereupon the Synod by a practically unanimous vote decided to "permanently locate the college at Batesville, with the understanding that the amendments to the charter to put the management under the entire control of the Synod be made as soon as practicable." This latter proviso was effected by the board in June, 1892.

The ten thousand dollars offered by some of the citizens of Batesville secured an additional building (three story brick) which was designated in the corner stone as "The Isaac J. Long Memorial Building," and was first occupied by college classes in January, 1893. While considerable earnestness was developed in the discussion concerning this matter, and some feeling manifested, yet it is the calm conviction of the writer that there is no just occasion to impute aught save good motives to those who raised the question of removal at that time.

Endowment.—Almost from the beginning, the tuition receipts have not constituted the sole source of income. The general scale of tuition rates for years was fixed too low, and as it has ever been the policy to give all possible assistance to worthy students of very limited means in reduced rates for tuition, there was added necessity for some productive endowment. Annual payments in the nature of endowment income had been secured from some loyal friends as far back as 1875, and, for a few years in its history, contributions were made in a number of the churches of the Synod to supplement the tuition income. This total ranged from $625 to $800 during the years 1880-1885. However, the first nucleus for a permanent endowment came in the bequest of Dr. Welch in 1886. Four movements looking to an increase of endowment have been made since that time. At the meeting of the Synod in Camden November, 1886, Dr. I. J. Long delivered a discourse which he had a few weeks previously given before the Arkansas

Presbytery by their appointment, commemorative of the life and character of Dr. Thomas R. Welch. The Synod at once passed a resolution recommending that the trustees of Arkansas College at once take steps to raise an endowment of $10,000 to be called the "Welch Memorial Fund" in recognition of what Dr. Welch had done for Arkansas College. The trustees in less than ten days elected Rev. A. R. Kennedy as financial agent to press the raising of the fund, but in the midst of a busy pastorate which he retained in Little Rock there were no results, to amount to anything, following his immediate circular appeal "to the officers and members of the Presbyterian church in Arkansas."

In 1894-'6 under the supervision of a synodical educational endowment board which was created at the time the Synod accepted the proposition of Batesville in 1892, Rev. R. B. Willis, D. D., as financial agent made a canvas which ultimately resulted in but slight financial gain to Arkansas College. The board above alluded to was entirely distinct from the college board of trustees, and had their headquarters in Little Rock. In 1901 under the supervision of the college board of trustees a canvass was made by Rev. X. Ryland which netted slightly more than $10,000 increase to the permanent endowment, and would have resulted in an enlarged amount doubtless, had not a state wide drought prevailed during that summer. Through preparatory work done by Rev. H. I. Paisley of Hamburg, the board were led to place Prof. W. S. Lacy, of the college faculty, in the field during 1907-8. His efforts in securing addition to the endowment are still in progress, and thus far—counting cash and pledges yet to be paid—the outcome of his canvass aggregates considerably more than the results of similar efforts combined. There has also been a very considerable addition to equipment, other than endowment, secured through his agency in Batesville.

In July, 1895, Prof. E. R. Long accepted a professorship in the Southwestern Presbyterian University, Clarksville, Tennessee, and Prof. John I. Cleland, M. A., was elected president. Prof. Cleland had taken post graduate work in Johns Hopkins

University the preceding session, after several years' connection with the Presbyterian College at Clinton, South Carolina, as president. At the meeting of the Synod in October, 1895, it was determined that the united energy and undivided moral and financial support of the Synod should be concentrated in the support of Arkansas College, and they withdrew from further participation in the management and control of the Southwestern Presbyterian University for which institution they had furnished two directors from about 1875. The contributions from churches and individuals to supplement endowment (a considerable part of which was temporarily unproductive because of legal complications) were reported as $430 instead of $1200 as determined at the preceding meeting. During the following session definite salaries were pledged the professors—the first time such had been done for the entire corps of instructors—and the attendance was not materially greater than that of the preceding year, which decline in that year had been somewhat due to the necessarily late publication of the accession of the incoming president. The expectation from the action of Synod fell far short of fulfillment. Considerable controversy and misunderstanding were engendered through the repeal of the special three mile liquor law, and several other matters, of varying character, closely affecting the welfare of the college, made the year 1896-'7 a somewhat critical one in its history. President Cleland's resignation was accepted by the board on February 23, 1897, to take effect at the close of the session, and in this action, the board expressed "its unqualified appreciation of the very high degree of Prof. Cleland's ability as a scholar and teacher, and of his skill in organizing and systematizing the scholastic work of the college."

On April 10, 1897, he placed his resignation in the hands of the executive committee of the board to take effect immediately, and that body instructed some of their number at once to notify the student body that it had been accepted. On April 22, 1897, at a meeting of the board held in Little Rock, by a unanimous vote, Eugene R. Long was again elected president and he began his second term as such in June, 1897. The finances were in bad shape, as the Synod in 1896 had disap-

proved of the absolute guarantee of definite salaries, in case the total deficit amounted to more than a few hundred dollars. After the debt was gradually removed which had been incurred in 1896-7, under the present administration no appeal has been made to the Synod regarding any deficit in current expenses and hence no disappointment has been experienced through Synodical action. In the period of transition to this policy, timely aid for several years was rendered through liberal annual contributions from a few Batesville friends and Mr. Chas. F. Penzel, Little Rock.

One of the features introduced at the very start, as already mentioned, was the study of the English Bible as a definite part of the curriculum, and this has been placed on an equal footing with other important subjects, inasmuch as three hours weekly for three years of the college course are required for the completion of the course outlined. The chief text book is the Bible itself. It was the hope of those who founded the institution through faith in God, that it would prove a Light in His Kingdom under His blessing. While previous to its founding only one man reared in the State of Arkansas had ever entered the Presbyterian ministry so far as could be ascertained, that record has since been decidedly changed. Of the male graduates of Arkansas College, slightly over forty per cent. have entered the Christian ministry (including those still in theological seminaries) besides a very considerable number who did not complete the full course of study. These, of course, are mainly identified with the Presbyterian church, although some (both graduates and others) are laboring in Methodist and Baptist churches. If those who are office bearers in various churches are counted, as well as those who have entered the ministry, then the number of male graduates thus aggregates nearly sixty per cent. Next to the ministry, a larger number of graduates have engaged in teaching than any other single line of labor, though this work has been followed more generally by female graduates, most of whom do not remain permanently in the classroom. By combining those occupations known as "commercial pursuits," we find those engaged in these

would rank second in number, and members of the legal profession third.

Something less than one third of the graduates up to this time (1908) have been females. While co-education has been the policy of the institution since its foundation, yet there have never been courses in those various arts which are frequently offered to attract female pupils, other than some provision, during part of the time, for instruction in music. The chief stress has been placed upon the literary course.

For many years board was secured for non-resident students in private families, and not until 1904 was a Students' Home provided as a part of the regular college plant, though in 1896 rooms were fitted up for students to occupy on the third floor of the main building. So long as students, in small bands, could be accommodated in excellent private homes, this was regarded as being as desirable as any possible boarding arrangements. Thus for several decades, quite a number of the good women of Batesville deserve a considerable meed of praise for the labor which they performed, and for the influence which they exerted in connection with those who, as students, were inmates of their homes.

The library contains about five thousand bound volumes, besides a large number of pamphlets and manuscripts, some of which are of considerable value. Among the most valuable private contributions received, have been the H. F. Fairchild collection, presented by his widow, who was one of the earliest friends of the college; the entire library of Dr. Welch, likewise presented by his widow; several hundred volumes from the late Henry Merrell of Camden, and a very varied collection especially rich in the field of philology, donated by the late Hon. Ralph E. Goodrich of Little Rock.

In the government of the student body great stress has always been placed upon the development within their ranks of high sense of personal honor, and there has been scant reliance upon anything that might be regarded as a system of espionage, in any particular, on the part of the faculty. While innocent exhibition of youthful spirits has been duly recognized, the youth there assembled have ever been impressed with the

fact that they are citizens of the commonwealth, and a prime duty of college students is obedience to civil law—not a disregard for it, under the guise of lax license, which some have imbibed by tradition as a privilege of a college student's surroundings. It is needless to say perfection has not been attained through this course, but right well in the main has this orderly ideal been maintained by the student body.

The total number of persons who have received instruction in Arkansas College is slightly over seventeen hundred. The enrollment for the various sessions has been as follows, viz.:

1872-3..... 65	1884-5.....135	1896-7..... 75
1873-4..... 85	1885-6.....117	1897-8.....108
1874-5..... 92	1886-7.....106	1898-9.....106
1875-6..... 87	1887-8.....144	1899-1900.....106
1876-7..... 86	1888-9.....132	1900-1.....124
1877-8.....104	1889-90.....141	1901-2.....106
1878-9.....102	1890-1.....149	1902-3.....103
1879-80..... 80	1891-2.....113	1903-4.....115
1880-1..... 97	1892-3.....131	1904-5.....124
1881-2.....112	1893-4..... 99	1905-6.....140
1882-3.....122	1894-5.....110	1906-7.....180
1883-4.....125	1895-6..... 72	1907-8.....153

Only 164 graduates have gone forth in its thirty-one classes since 1876. No classes completed the course in 1877 and 1879. It has never been the desire to cheapen the degrees conferred on graduation. The completion of the present A. B. course requires an average of a little more than seventeen hours per week in class periods for each of the four college years.

The following scholarships have been provided as indicated, the majority of which are designated as memorials. Some of these as yet have not been established in perpetuity: (1) the John F. Allen scholarship—named for the one through whom adjustment of the original building debt was made. The amount of this was deducted in the settlement for which there are no invested funds; (2) the Henry Merrell scholarship, named for donor; (3) the Louis R. Fox scholarship, donated by Rev. Samuel Semple, Titusville, Pennsylvania, but formerly of Little Rock; (4 and 5) the Sydney J. and June J. Johnson scholarships, donated by the late Allen N. Johnson, an alumnus of the college, in memory of deceased brothers; (6) the Lucy Ann Brown Gragg scholarship, donated by the

late Rev. J. M. Brown, D. D., of Fordyce, and his brother, Dr. W. A. Brown of Monticello; (7) the Leonidas W. Latham scholarship, donated by his direct heirs; (8) the Allen N. Johnson scholarship, donated by his widow; (9) the J. R. S. Meek scholarship, donated by his daughter, Mrs. E. R. Long.

While given towards the end of this sketch, yet the relative importance of the following list of those who have imparted instruction in literary branches within its walls, since its origin, is not to be estimated as of slight value in the history of the college. The real value to be accorded this list has already been expressed, with recognition, of course, of the varying relative importance of the service rendered by each. (The approximate period of instruction follows each name, with no attempt at absolute exactness:)

*Isaac J. Long 1872-'91; Thos. Jeff Stubbs 1872-'88; Miss Fannie Davis 1872-3; Miss Cynthia J. Scherer (Mrs. R. H. Brown) 1873-'77; T. Josiah Horne 1873-4, 1892-5; *A. Ross Kennedy 1875-6; *Samuel B. Ervin 1878-'80; *Miss M. E. Street (Mrs. O. P. Moore) 1879-'81; *John E. McMillan 1880-1; *George R. Waddel 1882-3; Eugene R. Long 1883-95, 1897-; *Miss Lucy L. Ervin (Mrs. T. A. Pettigrew) 1882-3; John M. Shive 1883-4; Wm. M. Rice 1883-4; Miss Jennie E. Shive (Mrs. F. E. Cooper) 1884-5; John F. Green 1888-90; Mrs. Ruth K. Green 1888-91; Evander D. Brown 1890-2; Arthur G. Jones 1890-94; *Jay L. Clayton 1890-2; Miss Grace E. Maxfield (Mrs. J. M. Hawley) 1891-2; George H. Lacy 1891-2; James H. Townsend 1892-5; J. Ray Morton 1892-4; Wm. S. Morton 1894-6; *Miss Lizzie Poindexter (Mrs. J. C .Head) 1892-3; Miss Julia Shive (Mrs. J. A. Barret) 1893-7; J. S. Nisbet 1895-6; Charles F. Bizzell 1895-; John I. Cleland 1895-7; J. Garnett Wood 1896-7; James E. Latham 1895-1905; Daniel M. Frierson 1896-; Eugene C. Blandford 1896-; *Miss Mona Latham (Mrs. H. H. Patrick) 1897-1902; Don K. Brown 1899-1902; Miss Sallie Lockhart (Mrs. W. H. Etter) 1902-6; Wm. S. Lacy 1903-8; Miss Christabel Gray 1906-; David B. Cofer 1907-8; Wm. A. Cook 1908-.

Succession of Presidents.—Rev. Isaac J. Long, D. D., 1872-Dec. 10, 1891; Eugene R. Long, Dec. 12, 1901-July 24, 1895; John I. Cleland, M. A., Aug. 6, 1895-April 10, 1897; Rev. J. E. Latham, D. D., President *ad interim* April 10, 1897, till June, 1897; Eugene R. Long, Ph. D., 1897-.

Present Status.—Four of the present professors have been associated with each other continuously in such relation for eleven years. This fact reveals something of the harmony in co-operation which has existed between them. Of these Professor Bizzell, a graduate of Arkansas College, with post graduate work in the University of Chicago, has been in the faculty

*Deceased.

for thirteen consecutive years. Professor Frierson, a graduate of Davidson College, North Carolina, with post graduate work in Johns Hopkins University, has filled a professorship here for twelve years, and was elected vice president of the college by the board in June, 1908. Professor Blandford, a graduate of Central University, Kentucky, has also been a professor here for twelve years, and all of these had had some previous experience in their profession before identifying themselves with their present work.

To the fact of the rather rapid change in the personnel of the ministers in the Synod, and the rather scant attendance of the ruling elders at such meetings, is to be attributed, in great measure, the lack of "continuity" in synodical action; but there has been growing evidence in recent years that the Synod of Arkansas, judging the institution by its fruits, is increasingly more alive to its importance and value, as attested by their real action rather than resolutions. From the small beginnings a generation ago, the college has grown in material possessions until the total assets, embracing plant and endowment, now amount to something over eighty-five thousand dollars, with continued growth of course contemplated. But its most valuable asset, after all, is found in the realization that its influence is directly felt in nearly half of the states of the Union and several foreign countries as well, through the work of its graduates, who, almost without exception by their lives have manifested the character which their Alma Mater regards as of chief importance, and quite a number of whom have shown a great degree of loyal devotion to its welfare. The same can be said of many of the former students, not graduates. (For a list of graduates reference can be made to the annual catalog.)

There is no expectation whatever that the institution will ever apply for, or secure a place within the group of those sharing in the benefit of "The Carnegie Foundation"—should there be any room for more, years hence, on that foundation—but the hope *is* indulged that a long continued career may yet await it, through God's blessing, under the guiding competent hands and brains of those who will give themselves faithfully to the

work, and who will be loyal to the essential ideals which have thus far dominated its history.

If it can continue to be intrenched more securely in the hearts of a growing number in Arkansas, and elsewhere, of those to whom it may justly appeal for support, it will regard this as of truer value in answer to the appeal "yea, the work of our hands establish Thou it," than any cultivation of a spirit of sycophancy in the presence of some of the wealthy of earth.

SOURCES.—Records of the board of trustees from 1872; treasurer's book for early period; treasurer's book of Alumni Association 1885-90; set of college catalogs 1873-1908; some minutes of Arkansas Presbytery prior to 1886; portions of Records of the Synod of Arkansas from 1886 on; files of the *"Arkansas Presbyterian"* 1891 and 1892; "Presbyterianism in Arkansas" (pub. 1903); minutes of the General Assembly of the Presbyterian Church in United States; some manuscript matter prepared by Rev. I. J. Long; the writer's scrap book containing various printed matter concerning Arkansas College since 1872; Manuscript General Catalog of Arkansas College; Shinn's Monogram on History of Education in Arkansas (Government Printing Office, Washington, 1900); Nevin's Presbyterian Encyclopedia (Philadelphia 1884); United States Census report 1870.

REMINISCENCES OF HEMPSTEAD COUNTY.

By Alfred H. Carrigan.[1]

Early days.—Among the very first settlers of Hempstead County was Ben Clark in 1810 or 1812. He found a pioneer who lived about five miles south of Washington, whose children had never seen other white men, having lived among the Indians all of their lives. Clark's trail from Missouri was long noted.

I remember to have heard James Reeves, who came here about 1818 or 1820, say that the Caddoes and Delawares had villages on Lost Prairie on the southwest side of Red River in Miller County some eight miles below Fulton. Mr. Jas. Reeves was said to have been part Delaware. Certainly he was of Indian descent. Query: How did the Delawares get down

[1]Alfred Holt Carrigan, the son of William A. Carrigan and his wife, Nancy M. Holt, was born April 15, 1828, in Alamance County, North Carolina, near the battle ground of the Alamance. He graduated at the University of North Carolina in 1850. He later moved to Hempstead County, Arkansas, where he has resided ever since, being a farmer by occupation. In 1855 he married in Rockingham County, North Carolina, Mary E. Moore, who died in 1901, leaving seven children; two of them were educated at the University of Arkansas.

Judge Carrigan has taken an active part in politics. He was elected to the state senate in 1858, and served for four years. He was the only Whig member when he took his seat. He was also a member of the secession convention of 1861. While at first opposed to secession, yet, after the State acted, he favored a vigorous prosecution of the struggle. He was the author of the measure which appropriated the first $100,000 for the purchase of arms by the State. He is one of the three surviving members of the secession convention.

In 1862 Judge Carrigan entered the Confederate army and served as a lieutenant colonel of the 20th regiment until physical disability forced him to retire. Three of his brothers lost their lives in the Confederate service. Mr. Carrigan served as county judge, 1866-68, and 1876-78, and was a member of the house of representatives in 1886. He served on the first state capitol commission under Governor Dan W. Jones. He belongs to the Sons of the American Revolution, being the only member in Hempstead County. Judge Carrigan remembers the Nat Turner insurrection of 1831. He now resides at Hope.—Editor.

here? Reeves himself came from Kentucky. On the above named prairie the duel between William Fontaine Pope, nephew of Governor Pope, and Charles Fenton Mercer Noland took place February 5, 1831. This prairie at that time was considered to be in Texas. Dr. B. P. Jett, afterwards a noted man, was present, having been a school-mate of Noland's.

Hempstead County was created by the legislative council of Missouri Territory December 15, 1818. The act reads as follows:

> "From Arkansas County beginning on the Ouachita River at the mouth of the Little Missouri River, then up the Little Missouri River to the three forks, then up the north fork to its head; thence due west to the Indian boundary line, then with said line or lines to the Great Red River, then with the Indian boundary line or lines to the boundary line of the State of Louisiana, then with said line or lines of the said State to the Ouachita River, then up said river to the beginning; is hereby laid off and erected into a separate county which shall be called and known by the name of Hempstead County."

Section 4 of the act required that court be held at the house of John English during the temporary government of the Territory or till some other place was designated. The house of John English was seven miles northeast of Washington, the present county seat, on or near the military road, where the first and a few subsequent courts were held. The records can not be found prior to 1824. The first records are of the court held at the house of Elijah Stuart near the present location of the town of Washington by William Trimble of the third judicial district March 15, 1824. The November term of 1824 and the March term of 1825 were held at the same place by Judge Samuel Hall. This indicates that Washington was established as a town and county seat by 1825. The first will was recorded by Robert Dunballs December 24, 1819; the first deed, by John Scott to Thomas Rector and others October 29, 1820. The above is in the circuit court record books. The first county court record is of the year 1837.

J. M. Stewart was first clerk of Hempstead County and A. S. Walker first sheriff. There was no county judge until 1827 when James Moss became judge, serving to 1832. A. M. Okeley was clerk from 1825 to 1838, then Simon T. Sanders was clerk and served to 1868, a period of thirty years. He was

the father-in-law of Governor Garland. He left the office of clerk when the Republicans came into power.

In the first territorial legislature David Clark was a member of the council. John English and Rev. William Stevenson were the first elected members of the legislature from Hempstead. John Wilson, who killed Anthony in the house of representatives in 1837, was called "mule ear." He was a member of the legislature from Hempstead from 1823 to 1829 inclusive. Judge D. T. Witter was a contemporary member of the council. Witter knew Wilson well and was himself well qualified to know of what he spoke. He told the writer that Wilson was a man of strong personality and companionable except when his temper was aroused. Wilson in 1835 and 1837 was from Clark County. He was president of the constitutional convention of 1836.

Of the first constitutional convention G. D. Royston and J. H. Walker were members. General Royston was prominent in political affairs until in the eighties. Dr. Jas. H. Walker was said to have been one of the ablest men in that body and that when he and Judge David Walker met in debate it was that of giants. The former held several positions afterwards. He made quite a sensation in the Baltimore convention that nominated Harrison, appearing in Indian costume of buckskin and making an eloquent address.

There are many Indian mounds in different parts of the county in which many varieties of pottery and bones may be found; some of the bones are of human bodies and doubtless belong to pre-historic times. I have a small collection of my own which would interest a scientist. There are also a number of medicinal springs, a few of which are: Shover's Springs, four miles southeast of Hope, which has been noted for some seventy-five years; Lithia Springs five miles south near the town of Spring Hill, having a reputation for thirty years; and Long's Springs in the northeastern part of the county which is much resorted to by health and pleasure seekers. Washington is an old town founded in the early days. It has been the home of many distinguished men. Spring Hill, in the southern part of the county six miles from Hope, was settled principally by Vir-

ginians from 1830 to 1850. It was noted for its schools and its residents of the old Red River plantation type, notably the Priors, Finleys, Paups and Fosters.

PROMINENT MEN.—Among her prominent men of about 1850 were: Judge Thomas Hubbard, a stepfather of the Garlands. He was a New Englander by birth, coming from Middlesex, Connecticut. He died about 1864. Judge John Field, a very able man who died in 1856. There was also Dr. Isaac N. Jones, who had become prominent in the affairs of Texas while she was a republic. He was an able man and the father of Dan W. Jones, afterwards Governor Jones. Governor Jones as well as Governor Garland spent his early youth and young manhood in this county, and his early training at the bar was received here. Stephen F. Austin of Texas made this his home before going to Texas. Davy Crockett spent considerable time here before going to Texas. I have often heard the older people of the county mention these two men.

In the constitutional or secession convention of 1861 Alfred H. Carrigan and Rufus K. Garland were members from Hempstead, the first named being at the time senator from the twentieth district, composed of Hempstead, Lafayette and Sevier. The latter was representative from Hempstead. The two men with W. W. Watkins, senator from Carroll, were the only acting members of the legislature elected to the secession convention, the three being elected as Union men. Rufus K. Garland was afterwards a member of the convention of 1874 from Nevada County. Garland and Watkins both served in the Confederate Congress.

In the convention of 1874 General G. D. Royston and Judge John R. Eakin were members from Hempstead, General Royston being president.

Hempstead claims a share in the honors placed upon Augustus H. Garland as United States and Confederate senator, as this county was his home during his youth and early manhood. R. K. Garland, brother of the governor, was also from Hempstead and served as Confederate congressman at the same time his brother was senator. E. W. Gantt was elected to United States house of representatives in 1860, but never took his seat.

Gantt was what was known at that time as a fire-eating secessionist. He was a talented man. He commanded a Confederate regiment at Island No. 10 where he was captured. The Garlands were both conservative men and what was termed in 1860 Union men. Arkansas never had two brothers more devoted to her welfare and never had mentally and physically nobler spirits. I can't say enough for them, they were my friends.

Among the prominent men who made Hempstead County their home, no man who has gone from her borders has reflected more honor on the State than Honorable James K. Jones, who as congressman and senator, represented his State longer than any of his predecessors, his term of service extending from 1881 to 1903. While he resided at Washington City for business purposes after retiring from public life, he remained to the day of his death proud to refer to Hempstead County as his real home.

Hempstead County was the meeting place of the Kentucky and Arkansas and possibly Tennessee troops for the Mexican War. They got their supplies doubtless at Fulton on Red River by steamboat and made the trip over what was then almost a desert of five hundred miles to San Antonio. Across this journey they employed Nick Trammel, a noted character, who is said to have belonged to Murrel's "gang," as a guide.

The Civil War.—At the approach of the Civil War A. H. Carrigan, a Whig from Hempstead, was senator from the twentieth district, while R. K. Garland and Orville Jennings, Democrats, were the representatives. They were all conservative men. A. H. Carrigan was elected in 1858, the other two in 1860. An election being held in 1861 for delegates to what was called the Secession convention, Carrigan and Garland were elected by large majorities as union men. The convention met March 4th, and passed the ordinance of secession May 6th, 1861. Washington became the Confederate State capital of Arkansas after General Steele took Little Rock, and the legislature met there November 5, 1863. It remained the seat of government until 1865, and the state records were kept there.

This county was from 1863 to 1865 the headquarters of the most of the troops and commanders in the Confederate ser-

vice in Arkansas. Among the first companies to be organized in the State was the Hempstead rifles early in 1861, with Captain Gratiot as captain. The company did good work in Pearce's brigade of state troops at Oak Hill. Three members of the company were killed: Montcalm Simms, James Lanxston and George Worsham. These were state troops and were disbanded after the battle. The first company of Confederate troops from Hempstead were cavalry commanded by George Gamble. They were also in the battle of Oak Hill in McIntosh's regiment. Only one member of the company was killed, John M. Carrigan. The remains of the first four from Hempstead County slain in the Civil War were brought back and buried in the cemetery at Washington. Captain Gamble soon afterwards died and was succeeded by Jas. A. Williamson, who became colonel. Chas. Carter succeeded him and was killed at Richmond, Kentucky. Williamson lost a leg at Resaca, Georgia. McIntosh was killed at Pea Ridge. I think they were in the second mounted rifles.

In 1861 Captain B. P. Jett raised a company that formed a part of Griffith's regiment and Captain E. K. Williamson, a company in Gantt's regiment. There was a company and perhaps two in Dawson's regiment raised near Nashville in what is now Howard County. Just before the battle of Oak Hill Captain R. K. Garland raised a company and Captain Rowles another which composed a part of McNair's regiment. Captain Garland's company was generally known as Bonner's company and Captain Rowles' as Kyles' company.

Early in 1862 there were four companies formed: Jeff Cottingham's, H. P. Johnson's, Dan W. Jones's and Anabbinett's. These companies formed a part of the twentieth regiment in which A. H. Carrigan was lieutenant colonel. On reorganization A. H. Carrigan was left out on account of physical disability and H. P. Johnson was made colonel and D. W. Jones lieutenant colonel. Johnson was killed at Corinth, Mississippi, and Jones was from then on colonel. In the same year Captain W. B. Stuart and George Davis both raised companies that formed a part of Monroe's regiment. After this there were perhaps two more companies of the older men and boys who

were in Colonel Robert W. Newton's regiment. In addition to the above companies was Captain C. B. Etter's artillery company organized in 1862.

There were a great many from the county killed. The writer had one brother shot through the head at Oak Hill and another killed in the same way near Atlanta and another died of disease.

About October of 1863 the State moved its records and state officials to Washington, the county seat of Hempstead. The sessions of the legislatures of 1863 and 1864 and of the supreme court, were held here. It was the capital of the State until the close of the war. Here was also the headquarters of the Confederate armies of this State and of the Confederate military courts. It was also the depository of the Confederate treasury for the Trans-Mississippi department and the main depot of army supplies of all kinds. It was from 1863 to 1865 an army camp. General Steele penetrated into its eastern border within fifteen miles of the county seat, from whence he made his retreat. The county suffered severely from the drain of supplies and the necessary burden incident to soldiers being continually quartered in the county. General Magruder inspected ten thousand or more soldiers at one time in 1864 near Fulton.[2] General Shelby is said to have had five thousand mounted Missourians.

Companies that were organized in Hempstead County during the Civil War:

1. Captain Gratiot's company of Hempstead rifles, state troops. Gratiot afterwards became colonel in Pearce's brigade of state troops. Company disbanded soon after the battle of Oak Hill.

2. J. L. Neal, captain of Davis's Blues in Dockery's regiment of state troops. Neal promoted to lieutenant colonel and commanded the regiment at Oak Hill and was killed in that battle.

3. Hempstead cavalry, George E. Gamble, captain, who died September 14, 1864, in Missouri.

4. Rufus K. Garland's company. Garland was succeeded by Bonner.

[2]Fulton at one time before the Civil War was an important shipping point. Many of the first settlers did not disembark from their keelboats, the way the most of them came here, but went up Little River, which empties into Red River just above Fulton, and then up the Saline, a tributary of that stream, and landed at what was known as Saline landing. When a small boy I recollect studying Olney's Geography prior to 1837, which said of Arkansas Territory that the principal towns were Fayetteville, Batesville, Little Rock, the capital, and Fulton on Red River.

5. John A. Rowles's company. Succeeded by A. Kyle.

6. E. K. Williamson's company in Gantt's regiment, the 12th Arkansas.

7. B. P. Jett's company in Griffith's regiment.

All the above companies were organized in 1861.

8. Dan. W. Jones's company in the 20th Arkansas. Organized in 1862.

9. Henry P. Johnson's company in the 20th Arkansas. Organized in 1862.

10. Anabbinett's company in the 20th Arkansas. Organized in 1862.

11. Jeff Cottingham's company in 20th Arkansas. Organized in 1862.

12. Reiff's company, succeeded by Wiley B. Stuart in 1862. Reiff was made lieutenant colonel.

13. George Davis's company. Davis was succeeded by A. Alexander in 1862. The companies of Reiff and Davis belonged to Monroe's regiment, Cabell's brigade.

14. C. B. Etter's company of artillery in Blocker's battalion, 1862.

15. E. K. Williamson's company in Newton's regiment of state troops, 1863.

16. D. E. Cowling's company G., 19th Arkansas, Dawson's regiment, 1862.

17. B. H. Kinsworthy's company I., 19th Arkansas, Dawson's regiment, 1862.

18. Wm. H. Prescott's company F., 19th and 24th regiments consolidated, W. R. Hardy and Portlock being colonels. Tappan's brigade, 1862.

19. J. R. H. Cumming's company. Being state troops or reserves. Afterwards Cummings became colonel. 1864.

Captain J. B. Davis organized a company of the captured, at Island No. 10, and exchanged men of the 12th, the whole of which could not be credited to Hempstead County.

Just here we will mention the fact that a beautiful monument has been erected in the cemetery at Washington to the memory of the seventy-four unknown Confederate soldiers who are buried there. Our noble women find time each year to decorate their graves, thus showing their appreciation of the sacrifices of the soldiers for their beloved Southland.

THE BROOKS-BAXTER WAR.

By Benjamin S. Johnson.[1]

In the fall of the year 1872 a general and legal election for all of the county and state officials was held throughout the State of Arkansas.

Prior to that time differences had arisen in the Republican party within the State, then in power, and the party had become divided. The reasons for this division need not be given here; suffice it to say that the party was at war internally, so that when the time for nominating candidates came, two separate candidates, both Republicans, were nominated.

Judge Elisha Baxter of Batesville, Arkansas, was chosen for governor by the regular Republican organization, nicknamed "The Minstrels." Mr. Joseph Brooks of Little Rock, was nominated by the disaffected Republicans, who were known throughout the State as the "Brindletail Republicans."

After these nominations were made, the Democratic party met in convention, in the hall over what is now Stifft's jewelry

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[1]Beniamin Smith Johnson, the son of Robert Ward Johnson and his wife, Sarah Frances Smith, was born in Little Rock, October 29, 1841. He was educated at Georgetown College, district of Columbia, entered the Confederate States army as second lieutenant in June, 1861, was assigned to the command of General Ben. McCullough at Fort Smith and appointed aid de camp of his staff. He remained in the Confederate army during the entire war and was in the battles of Oak Hill, Farmington, Tennessee, Richmond, Kentucky, Perryville, Kentucky, Chickamauga, Arkansas Post, Mansfield and Pleasant Hill, Louisiana, and Jenkins' Ferry, Arkansas.

Up to the battle of Pleasant Hill he had served under Major General T. J. Churchill as assistant adjutant general with rank of captain. At the battle of Pleasant Hill he was promoted to the rank of major, and still served as adjutant general and chief of staff of Major General Churchill's division. After the battle of Jenkins' Ferry he was elected major of the 27th Arkansas regiment of infantry, C. S. A. At that time Mr. Shaler was colonel of the regiment, Beal Gaither of Harrison, Arkansas, was lieutenant colonel. In a short time Colonel Shaler was ordered elsewhere, Mr. Gaither was promoted to colonel

store in Little Rock, on the corner of Third and Main streets. It was in session several days, and after a very noisy and exciting meeting, it finally determined to ratify the nomination of Joseph Brooks, the candidate of the disgruntled Republicans. Whether this action on the part of the convention was brought about by any promise on the part of Joseph Brooks and his followers, the writer can not speak with authority, but it was stated at the time that the committee sent by the convention to see Brooks, had received positive assurances that if the Democratic party would ratify the nomination of Brooks, and put out no candidate, but vote for Brooks, and Brooks was elected, all elections thereafter should be legally and fairly conducted, to the end that the Democrats might vote and their votes be fairly counted.

Since the year 1868, when the reconstruction of Arkansas had begun under the partisan laws of Congress, there had not been held within the borders of the State a fair and honest election. The Democratic party, which was legally in the majority, was therefore crying out for a fair and honest election, which was all they asked or demanded. To secure this, the Democratic party as a party, upon these assurances and solemn promises, waived the nomination of one of its members, and ratified the nomination of Brooks. The election was held on the first Monday of November, 1872, and it was known to have been conducted in a most dishonest and fraudulent manner; so

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and Major Johnson was promoted to lieutenant colonel, in which capacity he served to the close of the war.

When the war closed Colonel Johnson was at Marshall, Texas, with his regiment, and, taking charge of it in the absence of Colonel Gaither, marched the regiment to Shreveport, and, after seeing it paroled, he went to Texas.

He later returned to Arkansas and read law at Pine Bluff, and was admitted to the bar by the supreme court of Arkansas in 1869. He commenced the practice of law in Pine Bluff in 1868, but moved to Little Rock in December of the same year, and formed a partnership with Hon. George E. Dodge, under the firm name of Dodge & Johnson.

On October 31st, 1879, this firm was appointed attorneys for the St. Louis, Iron Mountain and Southern Railway Company. They became general attorneys of the Missouri Pacific Railway in 1887, remaining general attorneys for the company in the State of Arkansas and the Indian Territory until January 1, 1907, when B. S. Johnson resigned, Mr. Dodge having died February 6, 1904. Colonel Johnson has never held any political office.—Editor.

that by the means resorted to it was claimed that Brooks had been defeated and Baxter had been elected governor.

The general assembly of Arkansas convened at Little Rock, on Monday January 6, 1873. It is interesting to read the names of those composing the same. This will be found on pp. 146-147 of the biennial report of the secretary of state of Arkansas for 1905-06.

On the same day the two houses met in joint session for the purpose of canvassing the returns from the general election and declaring the results. The result for governor was announced as follows:[2]

Elisha Baxter	41,784
Joseph Brooks	38,673
E. Baxter	1
Joseph Brooks	50
Baxter	11
Baxter	113
Brooks	133
U. S. Grant	1
Wm. Byers	1
A. H. Garland	1

After this count, the presiding officer then proceeded to declare that Elisha Baxter, having received a greater number of votes than any other candidate, was duly elected.

Honorable Elisha Baxter then came into the house of representatives and was introduced by Senator Torrens, and after making an address, was sworn into the office of governor of the State of Arkansas by Chief Justice John McClure.[3]

John M. Clayton of Jefferson County was president *pro tem.* of the senate and Chas. W. Tankersley was spreaker of the house. Both were present.

The following state officers, on the Baxter ticket, were also declared duly elected:

V. V. Smith, lieutenant governor.
Stephen Wheeler, secretary of state,
Henry Page, treasurer,
T. D. W. Yonley, attorney general,
J. C. Corbin, (colored) superintendent of public instruction.

Although the general assembly had formally and according to law declared Elisha Baxter elected, it was believed and

[2] *Daily Republican,* printed at Little Rock, January 7, 1873.
[3] *Daily Republican,* January 7, 1873.

openly charged throughout the State by the Democrats, the Brooksites or "Brindletails" and by all the newspapers in the State opposing the Republican party, that the election was dishonest, the count fraudulent and that in fact Joseph Brooks and his ticket had received the majority of the votes cast, and had therefore been elected.

It is not necessary in this sketch to discuss the honesty or dishonesty of the election; we only give the above as true history. Elisha Baxter was sworn into office as governor on January 6, 1873, and immediately entered upon the discharge of the duties of that office.

The citizens of the State regardless of party, quietly acquiesced in the action of the general assembly, and like good, loyal and patriotic citizens, accepted Governor Baxter as the duly elected governor of the State. Joseph Brooks and many of the "Brindletail" faction were the exception to the rule, they believing that Brooks had been fraudulently counted out.

Judge Wm. M. Harrison, who had been on the same ticket with Brooks, as a candidate for the supreme bench, and who, believing with Brooks that he also had been counted out, at once filed a bill in equity in the United States circuit court at Little Rock against acting Governor Hadley and the supreme court judges who had been counted in, contending that he, W. M. Harrison, had been fraudulently counted out and was therefore entitled to the commission as judge on the supreme bench. Shortly thereafter on January 7, 1873, Joseph Brooks in like manner filed a similar bill in the same court, praying for similar relief against Governor Baxter. The Harrison bill was first reached and elaborately argued before Judge Caldwell. On January 13, 1873, Judge H. C. Caldwell rendered a lengthy opinion in writing, holding that the Federal court had no jurisdiction in the premises, and thereupon dismissed the Harrison bill. The case of Brooks was never argued, but, being governed by the ruling in the Harrison case, was likewise dismissed for want of jurisdiction.[4]

[4]Opinion in full in *Little Rock Republican*, January 14, 1873; Records of United States Circuit Court, Little Rock. For comments on, see *Daily Republican* January 14, 1873.

The United States court having decided that it had no jurisdiction, Joseph Brooks then presented his petition to the Arkansas general assembly, still in session, asking a recount of the votes for governor, praying that he be declared governor of the State of Arkansas, and that he be granted the privilege in the mean time of taking testimony in the matter.[5] On April 20, 1873, the petition was taken up by the legislature in the house, and by a vote of sixty-three to nine was rejected.

Thus it will be seen that the same general assembly which had counted Governor Baxter in refused to consider the petition of Joseph Brooks, or to permit him to contest Governor Baxter's declared election before the general assembly, the only tribunal where, under the constitution of Arkansas, a contest could be made.[6] Still this did not satisfy Joseph Brooks. Shortly thereafter he commenced proceedings in the supreme court of the State against Governor Baxter, but the court, holding that the courts of the State had no jurisdiction, dismissed the proceedings.[7]

In order to settle disputes as to the real action of the supreme court of Arkansas in the *quo warranto* case of Brooks vs. Baxter, we quote the following from the *Gazette* of April 29, 1874, as taken from the decision. The same decision will be found in the written records of the supreme court of Arkansas:

> If the court, on the motion of the attorney general, has power to declare a governor out of office because he was not properly elected or qualified, and if it were possible for the attorney general and a majority of the court to be improperly controlled, no governor could hold his position unless the court approved his policy. . . . . If the court can judge it may misjudge. It seems to us one of the elementary principles of our government that the departments shall be co-ordinate and co-equal; and while the courts of the State move forward in the discharge of their duties, free from executive policy and beyond executive control, the governor is clothed with a manhood that places him above the whims, and stronger than any prejudice that could possibly exist in a court, and leaves his position to those who, under the constitution, are to designate the proper incumbent, and who are to try him for crimes or misdemeanors in office, and all the presumptions of integrity that can and should weigh in favor of a court, must be allowed in favor of the representative men of the people. . . . . .

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[5]*Little Rock Republican,* April 19, 1873.

[6]*Little Rock Republican,* April 21, 1873.

[7]Brooks v. Baxter, MSS. opinion, 1873, in Records of Supreme Court.

"The returns of every election for governor, lieutenant governor, secretary of state, treasurer, auditor, [naming other heads of departments] shall be sealed up and transmitted to the seat of government by the returning officers, and directed to the presiding officer of the senate, who, during the first week of the session shall open and publish the same in the presence of the members then assembled. The person having the highest number of votes shall be declared elected, but if two or more shall have the highest and equal number of votes for the same office, one of them shall be chosen by a joint vote of both houses. *Contested elections shall likewise be determined by both houses of the general assembly, in such manner as is or may hereafter be prescribed by law.*" *Const. Ark., Art. 6, sec 19.*

It is declared that contested elections shall be determined by both houses of the general assembly, and the manner of proceeding is regulated by the acts of the legislature; and it may be observed that this provision in the constitution does not limit the right of contest; it is not given exclusively to a rival candidate, nor to a prescribed number of voters, nor to the people at large, nor any particular officer as the representative of the people, but the mode of contest and trial of the rights of the claimant is to be as the legislature has directed or may direct by law. They are to say who may contest, and how proceedings are to be brought before them. There is nothing declaring that the superior courts of general jurisdiction shall not try and determine the rights of one claiming to be legally elected to either house. Nothing declaring that such cases are exceptions to the power of the courts to issue writs of mandamus or quo warranto, and hear and determine the same, or to issue other proper process under the practice of the State to bring parties before the courts and have issues tried, right determined, and a judgment of ouster where the party was illegally holding; yet we have heard no one go so far as to assume that any judicial officer or court has the right, by quo warranto or otherwise, to decide whether or not any one is or is not entitled to a seat in either house of the general assembly. . . . . It is quite clear that the constitution never intended that the courts should have power to seat or unseat any member of the general assembly, and recognizes that as a co-ordinate and co-equal department of the state government. If it is upon this theory that the members of the legislature are not to be disturbed by the courts, are we not forcibly brought to the conclusion that they are not to seat or unseat the governor, who is the head of another co-ordinate department? Had the court the power by quo warranto to seat or unseat the governor, to seat or unseat the members of the general assembly, simply by ruling that they have not been elected in strict conformity to law, does it not destroy all equality of independence of power and dignity? And if it is possible for a majority of a court to corruptly enter into political intrigue, would not the whole government of the State be dictated by these few—a thing not likely to occur, but a possibility, properly guarded? . . . . .

The solution of the question before us depends upon our own constitution, and upon a fair construction of that instrument we are of opinion that the right to determine who is the legally elected governor of the State belongs to another department, and not the courts. . . . . Under the constitution, the determination of the question as to whether a person exercising the office of governor has been duly elected or not, is vested *exclusively in the general assembly* of the State, and neither this nor any other state court has jurisdiction to try a suit in relation to such contest, be the mode or form what it may, whether at the suit of the attorney general or on relation of the claimant through

him, or by an individual alone claiming a right to the office. Such issue should be made before the general assembly. It is their duty to decide, and no other tribunal can determine that question.

Signed: L. GREGG,
M. L. STEVENSON.
E. J. SEARLE.

STATUTORY LAW.

Section 2379.—All contested elections for the office of governor shall be decided by the joint vote of both houses of the general assembly; and in such joint meeting the president of the senate shall preside.—*Gantt's Digest.*

Note by Digester—By the provisions of section 19, of article VI, of the constitution, the jurisdiction of the general assembly over cases of contested election for the offices in said section enumerated is *exclusive.* —*Ib.*

WHAT THE REPUBLICAN STATE CENTRAL COMMITTEE HAS TO SAY.

We take the following extract from an address delivered by the Republican state central committee published in the *Little Rock Republican* on the 8th day of October last, which shows what the men who are now endeavoring to overturn the state government *then* thought of the decision of the supreme court in the quo warranto case:

"The recent decision of the supreme court in the case of the State of Arkansas against Elisha Baxter, the disbandment of the entire militia force of the State, and the late change in the management of the central organ of the Republican party at Little Rock, make it necessary that the state central committee should again issue an address to the people.

"*By the decision to which reference has been made, it is distinctly held that the determination of the question, whether a person exercising the office of governor has been duly elected or not, is vested exclusively in the general assembly of the State,* and that neither the supreme nor any other state court has jurisdiction to try a suit in relation to such contest, be the mode or form what it may, whether at the suit of the attorney general, or on the relation of a claimant through him, or by an individual alone claiming a right to the office. This decision was promptly followed by the dismissal of the suit brought in the circuit court of Pulaski County, by the State of Arkansas against Elisha Baxter; and now, at last, we can congratulate the people of the State upon the undoubted termination of this gubernatorial warfare. The legislature has acted in the premises; its decision is final and Governor Baxter's tenure of the office he holds is fixed and irrevocable. The action of the supreme court and the legislature settles all vexed questions calculated to disturb the peace of the State, and Governor Baxter, reflecting the policy of the Republican party, to secure peace, quiet and order, seized upon this, the first opportunity presented since the organization of the state government, to muster out the entire militia force of the State.

"No well-disposed citizen, whatever his political faith may be, can fail to indorse and commend this action of the governor. It attests the good faith and high purposes of the Republican party on all questions affecting the interests of the people, and is an earnest of the efforts that Governor Baxter and the Republican party are making to bring the State of Arkansas to as high a condition of peace, law and order as is enjoyed by the most favored state in the Union.

"All citizens are therefore called upon to preserve peace in their respective localities. Let no man be jeopardized in property or life. Let

the expression of opinion on matters of public concern be free and unrestrained, and the laws vigorously and impartially enforced.

"By reason of the late change in the management of the *Little Rock Republican*—the central organ of the party—certain personal embarrassments, which it is of no service now to recount, have been removed and that paper hereafter will not only reflect the general policy of the party, but will also be fully in accord with the present administration of the government of the State. . . . . .

POWELL CLAYTON, chairman.
JAMES TORRANS, secretary.
O. A. HADLEY,
J. T. WHITE,
S. W. DORSEY,
(By John M. Peck, proxy),
E. D. HAM,
(By J. M. Johnson, proxy),
JOHN N. SARBER,
FRANCIS SAWYER,
E. R. WILEY,
(By P. C. Dooley, proxy.")

In addition to the above we publish the following:

"NEW YORK, June 3, 1873.

"Gov. Elisha Baxter:

"You have the unqualified support of myself and friends. The revolutionary proceedings instituted will not be sustained by the people.

"S. W. DORSEY."

Senator Clayton indorsed the above in the following language:

"NEW YORK, June 3, 1873.

"His Excellency, Elisha Baxter:

"The quo warranto proceedings against you have been inaugurated without my knowledge or approval, and are in my opinion unwise and highly detrimental to the interest of the State. My judgment did not approve your late action, because I did not believe that such a move was seriously contemplated; and even if contemplated I regarded the calling out of the militia as premature. Nor would I now advise any show of force, unless a forcible attempt should be made to oust you. I believe you are the legitimate governor of Arkansas, and as much as I regret to see our State disgraced abroad by distractions at home, I hope you will stand firm, regardless of results.

"POWELL CLAYTON."

Messrs. Gregg, Stephenson and Searle were members of the supreme court and signed the first opinion. S. W. Dorsey and Powell Clayton were United States senators; O. A. Hadley was governor and the remaining names were members of the regular Republican central committee.

Not discouraged by all these decisions and the action of the supreme court, Brooks, on June 16, 1873, brought his action at law in the Pulaski circuit court against Governor Baxter for the office of governor of the State of Arkansas and its emolu-

ments. The complaint of Brooks alleged the following facts briefly stated:

"That on the 5th day of November, 1872, at a general election held on that day in the State of Arkansas, pursuant to the laws and constitution of said State, for the election, among others, of the governor of the State for the term of four years from the first day of January, 1873, said Joseph Brooks received the highest number of legal votes cast at said election, for the office of governor, aforesaid, etc.

"That the said Joseph Brooks was in all respects legally qualified for said office—stating the facts which brought him within the constitutional requirements as to eligibility—and was entitled to be placed in possession thereof, and to enter upon the discharge of the duties of the same.

"That on the 7th day of January, 1873, Elisha Baxter usurped the said office of governor, and from then to the commencement of said action, unlawfully withheld the same from Joseph Brooks, and received the salary, fees and emoluments pertaining to the said office, amounting to the sum of $3,000.00; and in and by said complaint it was prayed that, by the judgment of said circuit court, the said Elisha Baxter be ousted from the office of governor, and that the said Joseph Brooks be declared entitled thereto, and placed in the possession of the same, and that he also have judgment against the said Elisha Baxter, for the salary, etc."[8]

Governor Baxter entered his appearance on October 8, 1873, and filed a demurrer to the complaint.[9] John C. Whytock was then judge of the Pulaski circuit court. This suit stood upon the docket of the court in this attitude until April 15, 1874. The attorneys for Baxter were Judge E. H. English, Judge W. F. Compton, Jos. W. Martin and A. M. Bishop; for Brooks they were W. G. Whipple, M. W. Benjamin and R. A. Barton.[10]

During all this time Governor Baxter had held the office of governor and had been supported by and upheld in his office by Powell Clayton, then United States Senator from Arkansas, by Chief Justice John McClure, and the entire regular Republican party in the State of Arkansas, all contending that Baxter had been fairly and honestly elected, that the votes had been fairly and honestly counted and that Brooks had been honestly defeated. After the bringing of the suits by Brooks and up to the late winter of 1874, all had been peace and harmony in the Republican party then in power in Arkansas, as far as the public was concerned; but for some reason, in the winter of 1874, there arose a difference between Senator Clayton with other leaders

[8]Records of Pulaski circuit court for 1871-1873, p. 292.
[9]Pulaski Ct. Ct. Records, p. 370.
[10]Pulaski Ct. Ct. Records, p. 797.

of the Republican party and Governor Baxter; they each and all turned against Baxter.

Rumor at the time said (whether true or not, the writer does not know) that the leaders of the Republican party had called upon Governor Baxter to issue and sign some $2,000,000 or more in state aid bonds, or other securities, to be used for some purpose, and out of which the party expected to get benefits. This was common rumor but its truth is not vouched for by the writer. Rumor further said that Governor Baxter, not believing the issue legal, refused to sign or to be party to the same. It was said that he laid the matter before Judge H. C. Caldwell, then judge of the United States district court for the eastern district of Arkansas, asking his advice. Rumor further said that, after a careful review of the law, Judge Caldwell advised Governor Baxter that the bonds could not be legally issued, and that thereupon Governor Baxter refused to sign or permit the bonds to be issued.

It was further rumored that the differences between Baxter and the leaders of the Republican party in this State had been caused by Governor Baxter's positive refusal to manipulate the election machinery at the approaching election for legislators and other officers so that the power of his party might be perpetuated. It was said, that Governor Baxter declared that he intended to see that all elections during his term of office should be fair and free from fraud, and that to this end he intended to appoint only such men election officers as would see that the election was fair and honest. As the leaders of the party in power knew this would defeat their party they became desperate, and so broke with Baxter and approached Joseph Brooks, and rumor said made a "trade" with him.

But be these rumors true or false, it is nevertheless a fact, that about this time the break between Governor Baxter and the leaders of his party occurred and became final and complete. Immediately thereafter the leaders of the Republican party espoused the cause of Joseph Brooks. W. G. Whipple, M. W. Benjamin and R. A. Barton became or were the attorneys for Joseph Brooks in his suit in the Pulaski circuit court, which had been lying dormant since its filing. Suddenly on April 13,

1874, the demurrer filed by Baxter to Brooks' complaint was called up. This was about eleven o'clock on the morning of April 13, 1874.[11] Attorneys English and Compton, Baxter's attorneys, were absent from the court room. In the absence of Baxter's counsel and without their knowledge, the demurrer was submitted. The circuit judge on April 14th, overruled the demurrer, and without giving the defendant, Baxter, time to answer, at once entered judgment in favor of Brooks, adjudging that he was entitled to the office of governor, and awarding him $2,000.00 damages.[12]

After this judgment was entered and without the issuance of a writ of ouster, the attorneys or friends of Brooks immediately procured a copy of the judgment and proceeded to take possession of the gubernatorial office of the State of Arkansas and eject Governor Baxter therefrom. This action of Brooks and his friends was about as high handed a proceeding in violation of law, as can well be imagined.

Governor Baxter, upon being ejected from his office by armed force, at once retired to the Anthony house, the only hotel in Little Rock, and from there he moved to St. John's College, a Masonic institution of learning in the southeastern portion of the city under the superintendency of Colonel O. C. Gray, president. School was in session with about one hundred and fifty cadets. Colonel Gray at once gave Governor Baxter refuge and installed him in one of the rooms of the college. At once Governor Baxter issued his call to the people of the State, and his call was responded to by General Robert C. Newton, General T. J. Churchill, Honorable A. H. Garland, and many of the citizens of Little Rock, who were all Democrats, and who had at the general election voted for Brooks.[13] On the same day Governor Baxter sent the following despatch to President Grant, quotation being in full:

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[11]Pulaski Ct. Ct. Records, p. 793.

[12]Pulaski Ct. Ct. Records, p. 797; *Arkansas Gazette,* April 17, 1874. See history of case and comments thereon in *Gazette* April 16, 1874.

[13]Full description of affairs in *Arkansas Gazette,* April 17, 1874.

LITTLE ROCK, April 15, 1874.

To the President of the United States:

I have been advised by public rumor that in the state circuit court for this county, in a long pending case, brought by Joseph Brooks for the office of governor of this State, a demurrer to the complaint was overruled and immediately judgment of ouster against me given. This was done in the absence of council for me and without notice, and immediately thereafter the circuit judge adjourned his court. The claimant has taken possession of the state buildings and ejected me by force. I propose to take measures immediately to resume possession of the state property and to maintain my authority as the rightful governor of the State. Armed men, acting under this revolutionary movement, are now in charge of the government armory and capitol buildings. I deem it my duty to communicate this state of affairs to the President. I trust these revolutionary acts may be settled without bloodshed, and respectfully ask the support of the general government in my efforts to maintain the rightful government of the State of Arkansas, and that the commander of the United States arsenal at this point be directed to sustain me in that direction. I respectfully request a reply to this communication at an early moment.

ELISHA BAXTER,
Governor of Arkansas.

At the same time Joseph Brooks issued an address to the "People of Arkansas" explaining his position and appealing to them for support.[14]

After taking up his quarters at St. John's College, Governor Baxter then issued the following proclamation, declaring martial law over Pulaski County:

"PROCLAMATION."

"WHEREAS, An armed rebellion exists in the county of Pulaski, against the state government, and it becomes necessary to employ all the force at my disposal to suppress it: Therefore, by authority vested in me by law, I hereby proclaim the existence of martial law within the said county, and command all persons capable of military duty to assist in the putting down of said rebellion. During the time that martial law shall thus prevail, every infringement of the rights of peaceable and well disposed persons will be severely punished, by whomsoever it may be committed. The utmost respect shall be paid by all persons to citizens not in arms, and to their property, and to that of the federal government.

"In testimony whereof I, Elisha Baxter, governor of the State of Arkansas, do hereby set my hand and private seal, the seal of said State not being now accessible to the governor of the State. Done at Little Rock this 16th day of April, A. D., 1874.

ELISHA BAXTER,
"Governor of Arkansas, and Commander-in-chief."

After Governor Baxter had issued his proclamation above quoted, placing the county of Pulaski under martial law, a company of militia was at once organized composed of the young men of the city of Little Rock. The names of these young

[14] *Arkansas Gazette*, April 17, 1874.

men are worthy of being preserved in the history of the State, and they are herewith given:

Benj. S. Johnson of Little Rock was elected captain.

First lieutenant, Jas. A. Welch (who afterwards became captain upon the disablement of Captain B. S. Johnson.)

Second lieutenant, W. L. Terry, who afterwards became first lieutenant.

Third lieutenant, W. B. Worthen, who afterwards became second lieutenant.

Dr. John R. Dale, surgeon,
Fred. V. Syberg, first sergeant.
E. F. Officer, second sergeant.

PRIVATES.

Frank H. Timms, afterwards killed.
E. W. Rector.
Fred Elias Conway.
L. B. Leigh, afterwards wounded.
Martin L. Kumpe.
Will F. Greene.
Ernest Jennings.
R. P. Bonnie.
Geo. D. Clark.
Dr. Claiborne Watkins.
Fred Savage.
Will Stevenson.
Richard Jennings.
W. S. Curran.
Chas. H. Kumpe.
W. W. Fields.
Wm. Loftland.
Judge Sterling R. Cockrill.
W. A. Fatherly.
R. W. Worthen.
Chas. E. Kidder.
J. L. Bay.
H. Clay Jones.
Henry Brookins.
Dr. M. T. Mast.
Tom W. Newton.
Dr. Put Dickinson.
W. E. Booker.

There were others whose names, it is to be regretted, have escaped the memory of the writer. These thirty-six young men were at once armed with the cadet Army Rifles, with about three rounds of ammunition to each man. On the evening of April 16, 1874, this company, afterwards named and known as the "Hallie Rifles," of the Arkansas State Guard, escorted Governor Baxter from St. John's College into the city of Little Rock to the Anthony house on Markham street between Main and Scott streets. There the governor established the offices of the state government and opened his headquarters. For the night of April 16, 1874, the "Hallie Rifles" occupied the large billiard hall of the hotel; guards were placed on all the street crossings within three blocks of the hotel. The writer remembers that Sterling R. Cockrill in charge of five men was placed at the corner of Louisiana and Markham streets, just opposite the state house, which Brooks had seized and filled mostly with his negro adherents. This was a dangerous and important point, and for that reason Judge S. R. Cockrill, then just beginning the practice of law, was elected to guard that post.[15] The state

[15]Full account in *Arkansas Gazette,* April 18, 1874.

house and grounds were held and occupied by Joseph Brooks and his forces, consisting mostly of armed negroes officered by white men. Cannon had been placed in the doors of the capitol, and breast works had been thrown up on the lawn.

The following circular was issued to the public. On account of the names attached to this circular we print it in full as taken from the *Gazette* of April 18, 1874:

To the People of the State of Arkansas:

The recent occurrence here, in the attempt to displace Baxter and install Brooks as governor of this State, is a matter of such serious moment as to require, in our opinion, a few words from us. From the disposition heretofore made of the contest between Brooks and Baxter for the office of governor by the court of last resort, we had supposed that question settled, unless the next legislature should undertake to act upon it, and Baxter was regarded, under that decision, as the legal governor of the State. Acting as such governor, in a time of peace, when the country was quiet, by a movement wholly in violation of law, and of a revolutionary character, Governor Baxter was ejected from, and Mr. Brooks was forcibly put into possession of, such office, and is now attempting to exercise the functions and duties of the same. Governor Baxter is determined to put himself in possession of such office and to hold the same, and has so proclaimed to you. In this we fully indorse Governor Baxter, and we call upon you, whose interests are our interests, to come to the aid of Governor Baxter in this movement. Our all is involved in this, and if Governor Baxter is kept out of office in this manner, then there is an end of peace and prosperity in this State, and in their stead we are to have murder, bloodshed and ruin; and, after a deliberate review of the whole situation we see no alternative but to stand by Governor Baxter in this effort, and we urge you to come to the capitol and aid in the maintenance of Governor Baxter in power and authority.

S. R. Cockrill.
Francis A. Terry
John E. Reardon,
Sam'l W. Williams,
John C. Peay,
H. H. Rottaken,
P. Van Patten,
Thos. W. Newton,
Thos. H. Walker,
A. H. Rutherford,
Sol. F. Clark,
U. M. Rose,
F. W. Compton,
John M. Moore,
A. H. Garland,
Geo. A. Gallagher,
S. C. Faulkner,
T. J. Churchill,
Richard H. Johnson,
John D. Adams,
T. P. Dockery,
Geo. S. Morrison,
Jos. W. Martin,
John Kirkwood,
Gordon N. Peay,
R. C. Newton,
John Green,
Wm. E. Woodruff, Jr.,
Chas. A. Carroll,
J. V. Zimmerman,
Z. P. H. Farr,
Newman Erb,
Thos. Fletcher,
Geo. L. Basham,
A. D. Jones,
J. L. Witherspoon,
Dick Gantt,
E. H. English,
J. W. Martin,
F. M. Parsons,
John Fletcher,
James M. Pomeroy,
J. W. Reyburn,
Wm. A. Crawford,
J. N. Smithee,

At the same time the bar of the Pulaski circuit court met and passed the following resolutions, which they signed. We quote same here:

At a meeting of the Little Rock bar held at the office of A. H. Garland, Esq., the following resolutions were adopted and signed as follows:

Resolved, That it is the deliberate sense of the members of the Little Rock bar here signing, that the late act of the circuit court of Pulaski County, in rendering a judgment in the case of Brooks vs. Baxter at a time when the case was not set for trial; at a time when it was known and foreseen that his counsel would be absent, and when it had been announced that no business during the week would be taken up unless by consent; involving the exercise of jurisdiction in a case in which the supreme court had twice, in well-considered opinions, decided that the circuit court had, under the constitution and laws of the State, no jurisdiction, is one of the most extraordinary acts in judicial history; that the judgment rendered therein is wholly null and void for the want of jurisdiction; is not a judicial act, but merely the private act of the individual exercising the functions of judge, and of the attorney of the plaintiff who was accessory to said proceedings, and does not afford, in a legal point of view, the slightest pretext of color for the revolutionary proceedings which have been ostensibly based upon it.

A. D. Jones,
E. H. English,
S. R. Cockrill,
John Fletcher,
L. A. Pindall,
F. M. Parsons,
J. M. Smith,
R. A. Watkins,
C. B. Moore,
James M. Pomeroy,
R. C. Newton,
B. S. Johnson,
Geo. E. Dodge,
W. L. Terry,
J. W. Martin,
F. W. Compton,
Newman Erb,
Thos. Fletcher,
Dick Gantt,
Sam W. Williams,
U. M. Rose,
Geo. A. Gallagher,
Z. P. H. Farr,
Sol. F. Clark,
Geo. L. Basham,
Robert A. Howard,
John Green,
G. B. Reardon,

and a copy ordered published in the *Little Rock Gazette.*

A. H. Garland, president,

J. H. Moore, secretary.

In the meantime excitement grew to an intense heat throughout the State. Many companies of organized militia and squads of armed men came to Little Rock and reported to Governor Baxter; at the same time a number of negroes and a few white men joined the Brooks forces. The two bodies of men were kept apart by the Federal troops under the command of Colonel Rose.

On April 18th, Joseph Brooks issued a second proclamation, as follows:

"To the People of Arkansas:

"Elisha Baxter, pretending to be governor of the State of Arkansas, on the 17th inst. issued a proclamation placing the county of Pulaski under martial law, and has called (so I am informed) upon the militia of the State to aid him in resisting and setting the law at defiance.

"I am charged by the constitution and enjoined by my oath of office to see that the laws are promptly and faithfully executed. An attempt to set aside the civil law by one who has been adjudged by a court of competent jurisdiction not to be the governor of Arkansas, and at a time when the President of the United States has notified him that he cannot recognize him as governor until he shall have appealed to the supreme court, and there have his rights adjudicated, cannot be longer tolerated. I desire to avoid bloodshed and a destruction of private property, but while this is so, I cannot sit idly by and see the private property of the citizens of the State taken without conpensation, by an armed mob, and peaceful citizens halted and maltreated within sight of the capitol.

"In the interest of peace and good order, I request and command all persons who may have been deluded into rallying to the standard of a pretender, to lay down their arms and return to their homes within twenty-four hours.

"If this injunction be disregarded, I shall be compelled to take such measures as will in my opinion result in suppressing disorder, and in restoring the peace and quiet of the State.

"I do not want to be placed under the necessity of proclaiming martial law—believing as I do that life and property can be better protected under the civil—but if my request is disregarded, those disobeying must not complain of what is in store for them, or of the punishment that may be meted out.

"IN TESTIMONY WHEREOF, I have hereunto set my hand, and caused [L. S.] the great seal of the State to be affixed, at the city of Little Rock, this eighteenth day of April, Anno Domini, 1874.

"JOSEPH BROOKS,
"Governor of Arkansas.

"By the Governor:
"EDWARD CURREY,
"Secretary of State, *ad interim*."[16]

Thus matters had progressed until April 19, 1874. Joseph Brooks held the state house and was attempting to perform the duties pertaining to the governor's office. Governor Baxter, with his forces, held the city of Little Rock and the balance of the State, with the governor's offices located at the old Anthony house on Markham between Scott and Main streets, just two squares from the state house, with one company of United States troops and a battery of artillery stationed between them.[17]

On April 21st, there was little change in the situation. The United States troops were stationed at the Ashley mansion, a squad occupying the hall of the second floor of the *Gazette*

[16]For full account of events, see *Arkansas Gazette*, April 19, 1874.

[17]For events of April 19, see *Gazette*, April 21, 1874.

building. More troops arrived daily from all parts of the State, and the city of Little Rock was completely under the control of military forces.

During this peculiar state of affairs, the negro population of the State was divided; a majority of them knew that Baxter had been the Republican candidate, had been declared elected and been installed as governor of the State by a legislature very largely composed of Republicans. They could not understand how and why it was, that they should be called upon to fight for, or even support Brooks; so in this belief, many of them came to Little Rock and determined to support Governor Baxter, their governor. On April 21, 1874, a large body of colored men came up from Jefferson County, and out of it was enacted a scene in front of the Anthony house which almost beggars description. General H. King White and a large body of colored men were standing in ranks with their arms, before the Anthony house, listening to a speech from Governor Baxter. Colonel Rose, U. S. A., rode down from the United States army line, supposedly for the purpose of dispersing the crowd. He rode over one of the band of musicians, and then the firing commenced.

The scene is well described in the *Gazette* in its issue of April 22, 1874, the morning after the occurrence, and we give the article in full, as follows:

> Notwithstanding the warlike appearances at 12 o'clock Monday night, no attack was made on the state house. Several companies of men arrived on the morning trains to reinforce Governor Baxter—among others, one from White County. About 7 o'clock a general truce was agreed upon until 9 o'clock this morning. The Federal forces then withdrew their guard at the intersection of Markham and Louisiana streets. The two pieces of artillery and one company were stationed at the United States court room, on the corner of Main and Fourth streets. Another company was placed in city hall, where they retired to rest. Immediately after this truce had been agreed upon, general quiet prevailed.
>
> Our reporter made a reconnoissance of the different forces about 11 o'clock. He found Governor Baxter surrounded at the Anthony house with a heavy guard. The Wait block also contained a company or two. Another company was stationed in the second story of the Odd Fellows' building; another one or two at the Conway house on Scott street; two or three in the Ditter block; and another—colored—in the second story of the Cleburne house. The remainder of the troops were stationed around at various places. The Federal troops commanded Main street, and it was generally considered the line. Several of Governor

Baxter's men, who were caught beyond Main street, were arrested and taken to the state house by straggling Brooks men. On the other hand several Brooks men, who encroached on Governor Baxter's side were arrested. Moses Reed, the son-in-law of Mr. Brooks, was gobbled about 10 o'clock yesterday morning, by a detachment of Baxter men at the Cairo and Fulton railroad depot. Numerous other active Brooks men were taken in.

At the state house no guards were visible outside of the grounds. Inside the barricades a large number of negroes were seen—among others some colored women. Considerable additions were being made to their commissary department. A few men could be seen in the rear of the building, but the main force was in front. Occasionally the head of a man could be seen in one of the upper windows.

It was generally understood that a hundred additional Federal troops would be down by the St. Louis train this morning to assist in preserving the peace.

Nearly all the stores were closed, in fact, but little business of any kind was transacted. The saloons did well.

At the state house the Brooks outfit have piled benches up against the windows in the second story of the building.

Yesterday evening, after keeping him in the guard house about four hours, the state house party released Colonel Pomeroy. He states that he was arrested by Colonel Oliver, the sheriff, with a posse, while standing on the sidewalk in front of the Redding block, being surrounded by them before he could get out of the way.

About 5 o'clock Colonel King White turned out his regiment of colored braves to parade the streets. They marched from the Ditter block up Markham street to Scott, preceded by the band playing lively music, turned up Scott to Ninth, then over to Rock, down Rock again to Markham, and up the latter street to the Anthony house, where they were halted and faced to the front. The band was stationed about ten steps below Main street, at the head of the column. Colonel Rose, commandant of the United States forces, was on horseback in the center of the street, twenty steps above the band. Behind and around him was a crowd of citizens and Brooks strikers. In all the upper stories of the buildings—Anthony house, Odd Fellows hall, Wait block and Adams block—were armed men and citizens of the Baxter side. When the troops halted, three cheers were given for Baxter, and loud calls made for him. He appeared on the balcony and made the following speech, which we give verbatim:

GOV. BAXTER'S SPEECH.

SOLDIERS: I am, in point of fact, too unwell to address an audience. My health, for a number of weeks, has been such as to almost disqualify me from business.

But there is an emergency—there is an insurrection—the government has been seized—the archives are in the hands of the insurgents. I have called you here for the purpose of asserting, *not* the rights of Elisha Baxter, but the rights of the sovereign citizens of the State of Arkansas. [Great cheering.] The seizure of the archives was effected without my ever having so much as been served with process of court. I am making preparations. I intend to assert my right, so far as respects the governmental functions of the executive, to govern the State of Arkansas. [Renewed cheers, and cries of "Hurrah for Baxter!"]

I have, however, to say, that it is a well-known fact, in military service, that officers and commanders cannot give, in advance, to the troops or to the country, a detailed account of their proposed operations. There are, necessarily, military secrets, there are matters which must necessarily be kept quiet; and you will not expect of me, on an occasion as public as this, to detail my plan of operation.

Col. King White, commander of the first regiment of the colored troops, said: "Just tell us whether you are going to have us take the state house, or not?"

Gov. Baxter replied:

I ask you, gentlemen, to be patient and quiet, conduct yourselves orderly, as good soldiers, such as I know you to be; and in due time proper orders will be given you, to assert the rights of the State. [Continued cheering. Cries of "Hurrah for Baxter!"]

Soldiers, I would fain address you at greater length; but—and I say so without any resort to this as a subterfuge in order to shirk the labor of a speech—I am physically unable to address you longer. Thank you.

Governor Baxter retired from the balcony amid cheers. He was, however, immediately requested, by a general officer of his forces, to resume his position there for a moment; when Colonel White from the street, addressed him as follows:

REMARKS OF COLONEL WHITE.

Governor Baxter:—I did not come here, of course, to make a speech. I came here tonight to assist in reinstating what I consider to be the legal constituted authorities of the State of Arkansas. I have brought with me here a number of colored men. It has been said, sir, that these colored men will prove treacherous to you. I now ask these colored men, in your presence, and in the presence of this assemblage, whether we shall stand firm to Elisha Baxter? [Cries of "Yes!" "We will!" and loud cheering.]

I am here, Governor Baxter, for the purpose, if necessary, of surrendering our lives to reinstate the lawful authority of the government of this State. Furnish us, simply, with the means—give us the authority,—and I will guarantee to you, sir, that in twenty-five minutes from the time the order is written, Joseph Brooks will either be in hell, or the archives——

[The remainder of the sentence was lost to the reporter, in the shouts of the men.]

I have a battalion of men, sir, who have been summoned from their fields, taken away from their plows—every one of them. They are anxious to get home. But I say to you now, as I have said here before, let it take us one day or one year, the colored people, commanded by myself and Colonel Havis, and the other and subordinate officers of this command, will stand by you until you are the recognized governor of the State of Arkansas. [Enthusiastic and prolonged cheering.]

This is all I have to say, sir. I know that you, in your good judgment, and the other officers commanding us, in the good and proper time will give us the order; and all we ask is, that the time and those orders will soon come. [Renewed shouts of applause, and cheers for King White.]

RESPONSE OF GOVERNOR BAXTER.

Governor Baxter replied:

Colonel White:—I wish to say, in response to your remarks, that for one, I have never for one instant doubted the patriotism and loyalty of these colored men who stand before me. [Cheers.] I well know that attempts have been made to change their sentiments and attitude; but in the midst of it all, they stand as firm as the Rock of Gibraltar. ["Amen!" Laughter and continued cheers.]

And allow me to say to you now, that in consequence of the condition of my health, I must be permitted *simply to exhort you, in conclusion—be patient, conduct yourselves orderly, and have no fears of the consequences.*

The governor again retired, amid enthusiastic cheering; and his words of firmness but restraint and, for the time being, conciliation, had scarcely left his mouth when Captain and Brevet Lieutenant Colonel Rose, commanding the United States force, precipitated, in the following manner, a disturbance which has already cost the community the life of at least one of its most valued citizens, and for many minutes threatened the destruction of the city:

At the close of the governor's remarks the band commenced playing and Colonel White rode up to the front of his column for the purpose of marching back to his quarters. As he did so, Colonel Rose rode up abruptly, his horse striking one or two of the members of the band as he made his way through them, knocking them down. He asked Colonel White, as we have it from himself, and others, if he intended to advance his men any further up the street. Colonel White replied in the negative, but said to the colonel that he had no right to ride over his men in that manner. A few hot words followed, Colonel White remarking that if he was a United States officer he must not ride over his men like he had just done—that he was a gentleman as well as Colonel Rose. At this, Colonel White states, as does Captain Ben Johnson and others, that Colonel Rose pulled out his pistol and struck at him. The former threw up his hand and received the force of the blow on it, knocking the pistol up and it fired into the air. Colonel White states that the orderly of Colonel Rose pulled out his pistol and fired at him, also, and a negro standing on the sidewalk did the same, but none of the shots hit their mark. Our reporter did not get to see Colonel Rose to hear his explanation of the affair. We understand, however, that he says he had no arms with him at the time.

This firing was the occasion of the wildest excitement. Just then an indiscriminate firing commenced between the crowd of Brooks' men standing on the corner, and in the Metropolitan hotel windows, and the Baxter men on the sidewalks. The colored troops retreated rapidly to the sidewalk, and many shots were fired from both sides. About two hundred of the colored troops were unarmed. The main firing from the Brooks side was at the Anthony house. Major D. F. Shall, who was standing near a window at this house, received a ball through the head. General William A. Crawford also received a wound on the head, which is quite severe. Colonel Dan Jones got a scratch on the leg by a stray ball. One of the colored men got a ball through the foot, and another had his arm punctured. Colonel Dan O'Sullivan, of the Brooks side, got a ball through both legs, breaking them, and it was thought last night they would have to be amputated. He was standing near the alley back of Tucker's building, and it is thought the shot came from the state house. Senator Beavers got a ball through his coat.

A chambermaid at the Anthony house jumped out of the second story and broke her leg. The firing lasted about five minutes, and some two hundred shots were fired.

When the firing commenced, Colonel Rose wheeled his horse and rode rapidly to the city hall, and ordered his men out in line. They brought out the hook and ladder truck of Defiance company and placed it across the street, and the men were formed in solid column behind it. The two pieces of artillery at the corner of Main and Fourth streets were rapidly moved to the intersection of Second and Louisiana, and made ready for action.

General Newton mounted a horse and got his men in position on the different streets.

Most of the shots came, seemingly from the Metropolitan hotel windows and from the crowd below on the streets, and were aimed at the Anthony house. The United States flag, which waves in front of Governor Baxter's headquarters was pierced by several bullets from the parties.

James Hill, a colored hack driver, received a wound in the left thigh.

We are informed that one shot was fired by a United States soldier from city hall.

Major D. F. Shall died about 9 o'clock last night, soon after being removed from the Anthony house to his residence.

Colonel O'Sullivan was resting easy late last night, though with two broken legs. One wound he received opposite the Metropolitan and the other while going up the street near the Redding block.

There were many incidents and accidents connected with the affair, which we cannot allude to for the want of time. So sudden and unexpected was it, and so many non-combatants standing around, that there was a general stampede from the streets to the buildings, and several persons were run over and hurt.

At 11 o'clock last night the city was quiet. Two or three more companies were expected to reinforce Baxter, and doubtless arrived.

The killing of Major David F. Shall, one of our best citizens and a non-combatant, was one of the sad results of this unnecessary scene. Where to place the blame, and upon whom, remains a mystery never to be solved.

The morning of the 22d of April, 1874, opened dark and dismal, the tread of armed men could be heard all over the city; guards of both factions were in evidence on all sides and no one knew what the day would bring forth.[18]

On April 22d, Governor Baxter issued the following proclamation convening the legislature of Arkansas on the 11th of May, 1874. This proclamation is of historic value, and we quote it in full, although the same may be found in the *Gazette* of April 23d, with the events of the day before:

[18] *Gazette*, April 23, gives accurate account.

PROCLAMATION OF ELISHA BAXTER, GOVERNOR OF THE STATE OF ARKANSAS.

To the Members of the Senate and House of Representatives of the General Assembly of the State of Arkansas:

Events of the most extraordinary character, involving the peace and welfare of the people of the State, having recently transpired, as the executive of the State I communicated these matters to the executive of the nation, stating to him that I had been forcibly ejected from the executive office; and was prevented, by the intervention of Federal troops from asserting by force, my claim to said office. At last, on this 22d day of April, A. D. 1874, I sent the following dispatch to the President:

"To the President of the United States:

"As I can not move with any troops to assert my claims to the office of governor without a collision with the United States troops, which I will not do under any circumstances, I propose to call the legislature together at an early day and leave them to settle the question, as by law they alone have the jurisdiction; but to do this the members of the legislature must have assurances of protection from you, and a guaranty that they may meet in safety. This will be a peaceable solution of the difficulty, and I will readily abide by the decision of the legislature.

"ELISHA BAXTER,
"Governor of Arkansas."

I was promptly assured by the President in the following language:

"WASHINGTON, April 22.

"Hon. Elisha Baxter, Little Rock, Ark.:

I hereby approve any adjustment, peaceably, of the pending difficulty in Arkansas—by means of the legislative assembly, the courts or otherwise, and I will give all the assistance and protection I can under the constitution and laws of the United States to such modes of adjustment. I hope that the military forces on both sides will now disband.

"U. S. GRANT, President."

Now, therefore, deeming the present occasion one of sufficient magnitude, and, after such assurances received from the executive of the nation, I deem myself warranted in the exercise of the power vested in me by the constitution of the State to convene the legislature of the State of Arkansas to meet at Little Rock, the capital of said State, on Monday, the 11th day of May, A. D. 1874, at 12 o'clock, m.

In testimony whereof, I have hereunto set my hand and affixed my [L. S.] private seal, the seal of the State not being at present accessible.

Done at the capital this 22d day of April in the year of our Lord one thousand eight hundred and seventy-four.

ELISHA BAXTER,
Governor of Arkansas.

By the governor:
J. M. JOHNSON, secretary of state.

The act of Governor Baxter in calling together the general assembly of Arkansas, with the approval of President Grant, brought great comfort to the citizens of Arkansas, except

Joseph Brooks and his adherents. It was the first evidence of the "silver lining behind the cloud" overshadowing the State, and the hopes of every one were greater, brighter and stronger, that the end would soon come, and the government and good order be restored once more.[19]

Governor Baxter, after having issued this proclamation of April 22 convening the general assembly to meet May 11, 1874, and while waiting for the day to arrive, made many efforts to place matters on a peace basis. Brooks and his party refused all overtures toward any peaceful arrangements.[20] Governor Baxter sent President Grant the following telegram April 27:

To U. S. Grant, President of the United States, Washington, D. C.:

In accordance with my correspondence with you, by telegraph, I have convened the legislature for the 11th day of May. I have sent home part of my forces, and would willingly send the balance, except a small body guard, but Brooks retains his whole force, and receives reinforcements. All the people want is that peace be restored, and the legislature protected in the performance of their legitimate business.

ELISHA BAXTER, Governor of Arkansas.

At the same time Governor Baxter, through his officers, addressed the following letter to Brooks's officers, with a view to disbanding their forces on each side, and submitting the controversy to the arbitration of the legislature.

To Judge McClure:

Will Brooks, claiming to be governor of Arkansas, consent—

1. That all the troops now under arms on his side and on the side of Baxter, claiming to be the governor, be by their respective commanders dismissed to their homes in a regular manner, except a body guard to each claimant, not to exceed one company.

2. That all hostilities cease and be suspended until the question of the governorship be determined by a competent tribunal.

3. That no person on either side shall be molested or menaced in his person or property on account of anything done during the present disturbances.

4. That Colonel Page furnish transportation to citizens dismissed to their homes under paragraph 1.

5. That citizens having business in any of the public offices in the state house, other than the executive office, be admitted peaceably, and without molestation to such offices.

The above propositions are submitted by us on behalf of Elisha Baxter, claiming to be the right and legal governor of Arkansas, as a means of keeping peace between the two contending parties, until the ques-

[19] *Gazette,* April 24, 1874.

[20] *Gazette,* April 28.

tion of the right to the office of governor of Arkansas is settled by competent authority.

A. H. Garland,
E. W. Thompson,
Colonel and Chief of Staff to Governor Baxter.

Judge McClure, on behalf the Brooks party, acknowledged the receipt of the above document. and conveyed it to Mr. Brooks.

To the efforts of Governor Baxter to restore peace and quiet, Mr. Brooks responded, refusing positively to agree to any proposition looking to a peaceable and final disposition of the disputed gubernatorial question in a constitutional and legitimate manner. This compelled Governor Baxter to refrain from sending home his troops and forced him to retain them at a heavy expense, and he prepared to protect the legislature when it convened on May 11th.

During all this time there had been conflicts all over the State between partisans of the two factions. The State was practically in a condition of anarchy.[21]

The *Gazette* of April 30th, published this interestesting extract from the *St. Louis Times* of the Tuesday before:

For the past two weeks there has been sojourning at the Southern hotel a quiet, unassuming little gentleman who registered as George W. McDiarmid, Little Rock, Ark. Unobtrusive in his manner and as a general thing very reticent, he attracted but little attention, and was generally found absorbed in the columns of some newspaper. Silent and unassuming as he was, however, his presence in St. Louis had far more significance just at this time than the habitues of the Southern might imagine. Mr. McDiarmid was formerly county clerk of Pulaski County, Arkansas, is a prominent citizen of Little Rock, and a staunch supporter of Mr. Brooks. When the present troubles broke out in Arkansas, the Federal commander of the post took good care that the arms belonging to the State, and which were in the United States arsenal, should fall into the hands of neither of the antagonistic factions. This virtually left both factions without arms, except such as the respective followers of Brooks and Baxter might happen to possess. But Mr. Brooks had the state treasurer and auditor on his side, and an immediate appropriation of $50,000 was made to defray the expenses of the Brooks party. The usurping factions wanted arms; of men they had an abundance. Mr. McDiarmid was accordingly chosen by his coworkers as the agent to purchase those arms, and upon that mission he appeared in St. Louis, and right faithfully did he fulfill his instructions, as may be gathered from the following: 'Within the past two weeks there have been shipped, piece-meal, from St. Louis to the Brooks faction, two thousand Springfield rifles. These were forwarded from the Democrat office by express, and marked "Arkansas State Reports." Last Wednesday morning the Baxter forces went through the express office

[21] *Gazette,* April 30, 1874.

at Little Rock in search of munitions of war, as it was strongly suspected that Brooks was receiving aid from abroad. Ten minutes previously, five hundred stands of arms were delivered at the state house. In this case a miss was as good as a mile to the Brooks men."

Thirteen thousand rounds of ammunition have also left and been received safely. These were shipped as "whisky" and marked J. Garibaldi & Co. When it is known that J. Garibaldi & Co. are wholesale liquor dealers, opposite the state house at Little Rock, this matter of shipment may be accounted for, although Garibaldi & Co. were not cognizant of the fact. The moment the "whisky" was delivered at Garibaldi's door, the Brooks men, who were on the alert, seized upon it and took their ammunition to the state house. Several cases of revolvers were also sent and duly received. Five car-loads of provisions of all kinds have also gone forward and are now at Brooks' headquarters, and in all probability a large shipment of shot and shell was received yesterday. In this case, should Baxter become too troublesome, Brooks will undertake to treat him to a little bombardment. The shot and shell did not go from St. Louis, but from other points. The entire sale, which must amount to quite a sum, was made by J. W. Richards & Co., No. 27 North Fifth street. It is remarkable that the employes of the express and railroad companies never suspected the nature of the freight they were carrying. The only remark ever passed was by one express agent, who wondered what books a certain box could contain to weigh so heavy. Every dollar's worth of munition and provisions were paid for on the spot, showing that Mr. Brooks and his party have not only got money, but are spending it to continue this revolution. From what a *Times* reporter could learn, Brooks has provisions and munitions enough in the state house to stand a siege of two months' duration. An employee of the *Democrat* office is now in Cincinnati looking up the possibility of purchasing further military supplies for the "Parson."

During all this time the law firm of Pike & Johnson of Washington, D. C., composed of General Albert Pike and Honorable Robert W. Johnson, former United States and Confederate States senator, was representing the State of Arkansas and had been urging the President to recognize Baxter and suppress Brooks. To aid the herculean efforts of these gentlemen, Judge U. M. Rose of Little Rock had been sent to Washington by Governor Baxter, with full powers to act in his behalf with them.

Messrs. Pike & Johnson and Judge U. M. Rose continued their efforts for some time, but without complete success. They brought to the notice of the President and his cabinet the correct and true status of affairs, as shown by the decision of the supreme court and when this was known the authorities at once began to side with Baxter and to condemn the Brooksites.[22]

[22] *Gazette,* May 1.

The fact that the United States government was getting the truth as to the status of affairs in Arkansas, and the fact that the State's able attorneys, Messrs. Pike & Johnson and U. M. Rose, were so energetically presenting the decision of the state supreme court, and the facts following them, the support of the National Republican party began to wane. Senator Powell Clayton in Washington notified Brooks that he could do no more. The attorney general of the State, T. D. W. Yonley, and others who had been sent to Washington by Brooks, all returned home, saying that Brooks's case seemed hopeless; and yet all this, instead of pacifying Brooks and his followers, and warning them to yield to the law and permit the courts and legislature to settle the contest, made them more desperate.

All over the State bloody contests were daily taking place. Men on both sides were being killed or maimed for life, and the breach among the citizens was becoming wider and more bitter.

Brooks still occupied the state capitol with six or eight hundred negroes and desperate white men; was still continuing to get arms and fortify his position and recruit his forces. The matter had resolved itself into the desperate position of "do or die."

On the night of May 7, 1874, Governor Baxter received authoritative information that a barge loaded with arms and recruits for the Brooks forces had left Ft. Smith for Little Rock. At once steps were taken to capture this barge and its contents, as in aid of an insurrection, and in violation of the laws of the State. General Newton at once issued an order commanding the "Hallie Rifles" to take possession of the steamer Hallie, lying at the wharf in Little Rock, to proceed up the river, seize the barge, capture the recruits thereon and bring them prisoners to headquarters. The "Hallie Rifles" was the first company that went to Governor Baxter's relief, it escorted him from St. John's college to his headquarters in the city. Under the command of Captain B. S. Johnson, after martial law had been declared, it took possession of the city. It held the city alone as the only military organization for Baxter, for two days, before the citizens of the State could understand the issues, and rally to the support of Governor Baxter. It had in fact been the

main reliance and bodyguard of Governor Baxter all through the struggle. The company was now ordered to undertake a dangerous expedition.

So on the 7th of May the Hallie Rifles in command of Captain Jas. Alex. Welch, who had succeeded Captain B. S. Johnson, the latter having been disabled and being confined to his bed with a badly injured leg and under the care of surgeons, First Lieutenant W. L. Terry, Second Lieutenant W. B. Worthern, Surgeon Dr. Dale, First Sergeant Fred V. Syberg, Second Sergeant E. F. Officer, and the remainder of the company were marched to the city wharf and took charge of the steamer "Hallie." The officers of the steamer in charge of handling the vessel were Captain Sam Houston, and the pilots were Captain John Meyers and Captain Ed. Houston.

The company, under direction of its officers, immediately proceeded to place cotton bales all around the guards of the boat to protect its machinery, and to act as breast works for the men; after all was done in this direction which the means at hand permitted, the steamer pulled out and started up the Arkansas River. It was night. No effort to stop or attack the steamer was made as it proceeded on its way up the river; all was quiet and every thing went well. A careful and constant look out was kept for the on-coming and expected barge. Morning came and as the Hallie was passing a point a short distance south of Palarm Station on the Little Rock & Fort Smith Railroad where the tracks run near the river bank, a terriffic volley of musketry was poured into the steamer from the shore. The "Rifles" to a man responded without fear. While the firing was in progress a stray shot had pierced the connecting supply pipe between the boiler and the engine, thus destroying the power to operate the vessel's machinery, and the vessel at once commenced to drift. The firing, however, continued until the vessel drifted down the river out of gun range, and lodged upon the opposite bank.

Upon examination it was found that Captain Sam Houston and Private Frank H. Timms had been killed, Captain John Meyers had been mortally wounded, and died shortly afterwards; Pilot Ed Houston was slightly injured; Private L. Bas-

com Leigh had been shot through the left knee, and lay between life and death for weeks afterwards, but finally recovered with a stiff knee. These were all the casualties suffered by the "Hallie Rifles" and the officers of the vessel. The boat was disabled beyond means of repair at that time and with the means at hand. The captain of the steamer and the two pilots on board had been mortally wounded or disabled, so the steamer could not proceed; she was fast to the bank.

Captain Welch disembarked his men and marched back to Little Rock, leaving a guard with the wounded, reporting that several of the Brooksites had been killed. The steamer was taken possession of by the Brooks party and brought back to Little Rock.

A full description of the matter is contained in the *Gazette* of May 9, 1874, which we here copy in full.

Wednesday evening about sundown, the citizens of Conway (the county seat of Faulkner County) were thrown into considerable excitement by the arrival of a mysterious visitor, in the shape and form of a locomotive from above on the road, conducted, engineered and fired by one sole colored man. From the strange manner in which he was running his engine, and also from the stranger fact of his being entirely alone, suspicions were aroused, and the locomotive and its sable occupant were captured, and held in check until Thursday morning, when they were started back in the same direction from which they came. The endeavors made by the colored conductor to explain himself were so at variance, and so entirely improbable, that the people of Conway felt warranted in detaining him, inasmuch as they were confident there was a "nigger in the fence" somewhere, and, if so, they were bound to have him. Their suspicions were that it was his intention to take possession of two empty box cars that were lying at Conway on the siding, and take them above to convey Brooks men down to Little Rock. Inasmuch as the people of Conway are a unit on the Baxter side, they could not by any means allow such a manœuvre right under their eyes. If they were mistaken in the intention of this affair they certainly did no harm, but if their surmises were correct, and they succeeded in frustrating the design of the "Brooksites," even in this little particular, we have much cause for congratulation.

A company of one hundred men from Woodruff County, under command of Captain Jones, arrived yesterday morning to reinforce Governor Baxter. A company from Hempstead also came in.

Governor Baxter yesterday appointed ex-Governor Henry M. Rector a brigadier general.

On Thursday night Fagan, who commands the Brooks forces, sent a company of Brooks men, under command of Emanuel Aiken (all colored) to take possession of the penitentiary, but the lessees of that institution refused to give up to them, and finally procured a guard of Federal soldiers to protect them.

Members of the Concordia association who called on Mr. Brooks to protest against his taking their hall for a hospital, request us to say that he did not state that he took the hall because it belonged to the Hebrews, and they were opposed to him, but his meaning indicated it.

On Thursday night a party of twenty-five Baxter men, under command of Captain Welch, took passage on the steamer Hallie, which was in charge of Captain Sam Houston and his brother Ed Houston and John Meyers as pilots. Their object was to intercept and capture the one hundred and sixty stands of arms belonging to the Industrial University, which were shipped on a flatboat from Fort Smith early Wednesday morning in charge of his men. The Brooksites heard of this expedition and started Colonel Booker, with his regiment of two hundred colored men, on a special Fort Smith train, to intercept the boat at Palarm. Booker's party arrived there before the boat, got into position, and as the Hallie came along Booker's party, who were in ambush, fired on the boat. Most of Captain Welch's men were on the hurricane roof, and got down below as rapidly as possible. As they did so, however, Frank Timms, a prominent young man of this city, was killed, and several others wounded, viz: Captain Sam Houston, through the body, badly; Ed Houston, sprained ankle; John Meyers, shot through the breast; Bascombe Lee, in the left leg. Captain Welch's men returned the fire, killing one and wounding another of Booker's men—both colored. One of the shots from Booker's men passed through a steam pipe on the Hallie, disabling her, and she floated down the river on the south bank, where the Baxter squad left her and took to the land. The Booker men then took possession of the steamer, put a squad on her to bring her to town, and the remainder of them took the train and came back, arriving about 3 o'clock last evening. Their arrival at the state house was greeted with loud cheers. Soon after their arrival the Hallie got down, and was landed at the state house, where the wounded were taken off.

Captain Sam Houston died soon after the arrival of the Hallie.

John Meyers, a pilot on the Hallie, is said to be mortally wounded.

The latest reports state that one man was killed and two wounded on Booker's side.

Yesterday morning the Brooksites put a cannon on the bank of the river just above the state house and near the red mill, with the intention of firing on the steamer Hallie as she came down, if the Booker party failed to overtake her. A flatboat, or trading affair, came down during the morning, having on board one or two persons, and the state house party fired at but missed her. She came to. What they obtained by the haul is not known.

As Mr. Wat. Worthen was going to the ticket office of the Memphis railroad Wednesday night, he was arrested by a squad of Brooksites—negroes—near the penitentiary, and kept during a greater portion of the night.

Yesterday the women and children residing in the neighborhood of the state house were engaged in moving out. Nearly everybody in the immediate vicinity of the state house have abandoned their homes.

Captain Eugene R. Smith, constable of Eagle township in Pulaski County, has offered a company of cavalry to Governor Baxter.

From Doctor Dale, who was one of the parties on the steamer Hallie, we learn the following particulars of the Palarm fight:

The steamer Hallie left the city yesterday morning about 4 o'clock. She had on board thirty-two men, under Captain Aleck Welch. Captain

Sam Houston commanded the boat. His brother, Ed. Houston, and John Meyers were pilots. Before leaving, the party rolled several cotton bales on board and made breastworks of them in order to pass the state house. One shot was fired at the steamer as she passed the capitol. Beyond this nothing of interest occurred until the boat got near Palarm. She was going up on the south side of the river, near the shore, and about two hundred yards from the northern bank. Dr. Dale was below, and the first thing he heard was a shot, and then an order from Captain Welch for his men to fire. Mr. William Green states that prior to this a party on shore had hailed the boat. A volley was fired into the boat from Booker's men on the shore, who were hid behind rocks on the bank of the river, and the fire was returned. They were armed with needle-guns. Most of Captain Welch's company were similarly armed. Captain Sam. Houston was standing in front of the pilot house, on the hurricane roof. John Meyers was at the wheel. The firing lasted about ten minutes, when one of the boat's steam pipes was penetrated with a bullet, disabling the boat. The boat floated around against the shore, when Captain Welch raised a white flag. But two or three shots were fired after this. Captain Welch then took his party on shore and left Dr. Dale and Messrs. Green and Savage to take care of the wounded. Captain Sam Houston was shot through the breast, and died just before the Hallie reached the city. Young Timms was shot through the head and killed instantly. His body was taken to the chapel of the Presbyterian church last evening. The body of Captain Houston was placed in a metallic case and taken to his residence. Ed. Houston got a sprained ankle. John Meyers, the pilot, was shot through the breast and in the leg, and is dangerously wounded. L. B. Leigh had his left knee shattered, and is in a critical condition. Dr. Dale received a slight flesh wound in the left leg. Mr. Savage was grazed in several places. The boat was completely riddled with bullets. Two colored men employed on the boat as cooks were wounded. When the white flag was hoisted Captain Gerte, Lieutenant Bell and Sergeant Rison were sent over by the Booker crowd to take possession of the boat, and they brought her to the city.

Dr. Dale's information is that Booker had one man killed and three wounded. A gentleman down on the train last evening reports four killed and quite a number wounded. We know of the following:

Jack Blackburn (colored) of Co. B, in spine. Died on arrival of train at Argenta. ——— Coleman, (colored) left breast—serious.

There are others whose names we did not learn.

On the arrival of the Hallie the Brooksites held Messrs. Green and Savage as prisoners of war. Green was exchanged during the evening for Deputy Sheriff Counts who had been captured by the Baxter party. Mr. Savage was paroled until this morning.

We here insert the official report of the Captain of the Hallie Rifles, made to his superior officers, after the engagement:

LITTLE ROCK, ARK., May 9, 1874.

Major General T. J. Churchill, Commanding Middle Division:

GENERAL—In pursuance to your orders we embarked on board the steamboat "Hallie," leaving this place at 3 a. m., on Friday, the 8th inst., with a detail of nineteen men and two officers from my company and nine men from Captain Cottrell's command. Immediately after starting our men commenced working vigorously constructing barricades for protection, in case of an attack from the state house, which I appre-

hended. We proceeded quietly up the river without molestation as far as the Natural Steps, where we stopped for wood. After a stoppage of probably twenty or thirty minutes we unloosed our cable and steamed onward on our route. We had left Natural Steps probably two and a half miles in our rear when we were suddenly hailed from the north bank of the river with the following words: "Turn back your boat," which was repeated twice, to which hail we paid no attention. After the second repetition of the above hail, and without any further notification or warning of any such purpose, the forces on the bank commenced a terrific fire of musketry upon our boat from their ambuscade, which compliment was returned in kind quite as vigorously by our little band.

Our boat was disabled during the second volley by the passage of a ball through the steam pipe, from the holes in which the steam escaped in volumes, rendering our position still more dangerous from the probabilities of explosion or scalding. In a few moments the pilot at the wheel reported it impossible to obtain steam sufficient to make headway up the river, and I ordered the boat headed for the south bank of the river.

Upon reaching the bank, which we did not accomplish but slowly on account of our crippled condition, I threw out a line of pickets to protect us from a surprise from any body of the enemy's forces that I thought might be posted to favor us with a second attack, as I had been informed when wooding that there was a body of cavalry operating in that vicinity, and proceeded to examine into the condition of my command. I found but one of my men killed, F. H. Timms, as gallant a soldier and as true a gentleman as ever battled for the right, and but two wounded, L. B. Leigh and Fred Savage, the former seriously, the latter slightly. The crew of the boat had suffered more seriously than had my men, as I found Captain Sam Houston lying shot through the left lung, from which wound I am informed he has since died; Captain John Myers, pilot, seriously wounded by three balls, and all of the others, with but one exception, slightly wounded.

Making a detail of private W. F. Green to assist him, I ordered my surgeon, Dr. J. A. Dale to remain on the boat and attend to the wounded, and, having displayed a white flag to indicate to the enemy that the boat was theirs, I joined my command, which had previously landed and had been keeping up a dropping fire as any of the enemy came in view from behind their rocks and trees.

Leaving the river I moved back some five or six miles into the country, feeling for any opposing forces, but, finding none except several squads of mounted men who retreated when we came in sight, I moved back to the river, having been informed that the Danville, the steamboat on which were the arms and ammunition seized by one Fowler, of the Brooks forces, was approaching, intending, if said report was true, to endeavor to favor said Fowler and his command with the same game that had been played on us by his confederates.

We reached the river some two miles below the point at which we had been engaged, in sight of the forces that had attacked us, and stopping at the house of Captain Maynard were most hospitably entertained by him. We remained on the bank of the river until dark, when the Danville not coming in sight, and information being given us that a force had moved up on our side, the south side of the river to intercept us, I deemed it best to retreat. Moving down the river some three miles, I crossed to the north side, which crossing consumed some two hours, and was attended with no slight danger, both on account of the proximity

of the enemy and of the conveyance used, which was a poorly fashioned dug-out, in which but three men could be crossed at a trip.

Having effected the crossing we moved down the river, reaching Captain John Collins at 7 a. m. this morning, where we were the recipients of much kindness, extended with a courtesy that will ever be borne in remembrance. Thence we moved in the direction of this place, reaching Argenta at 1 p. m. whence crossing the river we moved into our quarters.

In closing this report I would especially commend to your attention the gallantry and fortitude displayed by the officers and crew of our boat, under a fire that was truly terrific, the enemy themselves admitting the expenditure against us of nine thousand cartridges.

I would further state that we effected our retreat without the loss of a gun or cartridge, except one double-barreled gun, abandoned on account of its weight by its owner, and that I deem the conduct of your officers and men under me worthy of your special notice.

On account of the length of this report of an action which would be insignificant in the course of a campaign in an inaugurated war, but on account of its being the first engagement in a contest that threatens, possesses a relative importance, I make mention of but one instance of individual fortitude displayed by my men, and that is in the case of L. B. Leigh, who though seriously wounded and suffering intensely, did not even murmur, lest his comrades might be distracted from prompt prosecution of the engagement.

I have the honor to be, general, very respectfully,

JAS. A. WELCH, Captain Commanding.

We have positive information that five of the enemy were killed during the engagement.

The 23d day of April, 1874, passed about as the day before. A truce had been declared for a day, yet armed forces were maintained, and the greatest vigilance shown by both sides. The United States forces still occupied their positions; one company of infantry was stationed across Markham street between Main and Louisiana streets; a battery of artillery was stationed at the corner of Second and Louisiana streets, and several patrols were on duty in different parts of the city. During the night of April 23d, the "Hallie Rifles" were ordered to the eastern part of the city and were stationed around the old ten inch Columbiad Gun,[23] for the purpose of guarding it, and keeping the Brooksites from destroying it. This company stood guard all night, and on the morning of the 24th of April re-

[23]This old gun is now mounted on the lawn of the old state house, and is named "Lady Baxter." Its history is quite interesting. In the beginning of the Civil War it was in one of the United States forts near New Orleans. After the war vessel, the "Ponchartrain," had been constructed, the gun was taken out of the fort by the Confederate authorities and made one of the battery of that vessel. After the Mississippi River

turned to their quarters located in the second story of the large three story building on the northwest corner of Markham and Scott streets.

The war about which we are now writing was still in force on April 23d. Amid the scenes of warfare and excitement the funeral of Major D. F. Shall took place. The *Gazette* in its issue of April 24th, says:

The funeral of the late Major David F. Shall took place from his residence on Scott street, yesterday at 10:30 a. m. The funeral services were conducted by Rt. Rev. H. N. Pierce and Rev. T. B. Lee, of the Episcopal church, who were also assisted by Rev. Thomas R. Welch, of the Presbyterian church. We have never known a larger congregation in our city at any similar occasion than that which attended the funeral. to attest by their presence their regard and respect for the memory of the deceased, and their warm sympathy for the grief-stricken mother and sister, so suddenly and so horribly bereaved of their greatest pride, hope, stay and delight in life. At the close of the service the body, borne by his attached friends from youth to middle age, was removed to Mount Holly cemetery, and deposited near the remains of his father, wife, and daughter, in the family burying place.

Maj. Shall was a man of no ordinary ability, and, although he held himself aloof from political life, always occupied as elevated a place in the respect of the people of the entire State as if employed in public place. He was imposing in appearance, courteous in address, untiring in industry and indomitable in energy. By his own energy and address he acquired a handsome fortune. During the late war he was major of Borland's regiment of cavalry and served under General Hardee in the northeast. He was afterward chief Confederate treasury officer in the trans-Mississippi department, filling both places with credit to himself and advantage to the country. No accident since the war has thrown such a universal gloom over the whole community as that which snatched him from the midst of his usefulness, without a moment's warning. The sacrifice of myriads of such as those whose miserable political intrigues and conspiracies involved the death of two such men as Shall and McConnell, could not atone for the loss suffered by their families and country. Martyrdom will make their memory dear to those who come after them.

The following extracts are taken from the *Arkansas Gazette* of April 25, 1874, giving editorial opinions from different papers:

"With singular unanimity our merchants and business men as a class, have come to the support of Governor Baxter, aiding him to provision, equip and munition the volunteer forces who have responded to his call, confident that in due time these advances will be made good by the

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was taken possession of by the Federal navy, the Ponchartrain was run up the Arkansas River to Little Rock, and, upon the approach of General Steele's forces in September, 1863, was set on fire and blown up. The old gun was saved from the wreck and now stands in the state house yard, a memento of the past, and of two wars.

State. There is, however, a great inequality in the proportion of assistance required of the different classes of merchants. Up to this time by far the heaviest burden has fallen upon the grocery merchants, who have for a week past been furnishing upon certified accounts, provisions to feed the large number of state troops now in the city. The figures have already reached quite a large sum, and as our grocers are compelled to pay cash for all they furnish, unless the forces are greatly reduced, or another medium of payment than certified accounts devised to pay them, they will be compelled to stop advancing at an early day, from want of means to renew their stores. This view of the case should receive the attention of the business men and tax-payers of all character at the earliest moment, and steps should be taken to bring about an equality in supporting the common cause. Already the merchants have been in consultation on the subject, and their reasonable complaint is worthy of all attention. Those in command, seeing from the attitude of the United States government there is little probability of an actual collision, should at once reduce their forces to the lowest number of men consistent with safety. The tax payers have to bear the expenses at last, whether Baxter or Brooks succeeds in the contest, and as both champions are supposed to incline to the policy least oppressive to the tax payers, both should shape their policy accordingly. We trust there will be some speedy public action by leading men in the premises. So far Mr. Brooks has refused all overtures for a reduction of the forces now in the city, and upon his head must be the consequences.—*Gazette.*

We have been astonished so often since congressional reconstruction, that really we have got in that condition where we have ceased to be even surprised at anything that may transpire in these Southern States. On Tuesday evening there was a little street skirmish in front of the Anthony house, while a regiment of colored men, mostly unarmed, were serenading Governor Baxter. Everything was going on quietly and peaceably when Colonel Rose, the post commandant, suddenly, and without warning rushed with his horse through the band, which was playing at the head of the column, knocking several of them down. Then followed a shot—who by, we do not know, and a general fighting ensued. Colonel Rose rode back to his men at the city hall, barricaded the street, and formed his men in line to check an advance, which was never contemplated. But we find the following dispatch in the St. Louis papers, which is remarkable, to say the least:

> "Lieutenant Cushman, of the sixteenth infantry, stationed at Little Rock, arrived here this afternoon to communicate with the President concerning the firing on Colonel Rose last night, which he states he could not do there in consequence of violent partisan feeling in the telegraph office. According to his statement, Colonel Rose had secured an armistice between the rival factions, which was to continue until 9 o'clock this morning, but that last night Colonel King White with a regiment of armed negroes marched down to the Anthony house, where he made a violent and inflammatory speech to them, calling on Baxter to allow him to go ahead and clean out Brooks, the Federal or any other damned troops. Colonel Rose, hearing the disturbance, mounted a spirited horse and rode down to inform White that he was not complying with the terms of the truce in marching his men to that point. Rose was unarmed, except with a sword, and was accompanied by an orderly armed with two holster pistols. On reaching White, Colonel Rose asked him what he meant by breaking the truce, and ordered him to disperse his mob. White made some reply, not heard, and

fired his pistol at Colonel Rose and ordered his men to fire, which they did generally in the air, but several persons were wounded, as already reported. Colonel Rose's orderly attempted to draw his pistol, but his horse became unmanageable and ran with him before he could draw it from the holster."

It is not stated the manner in which Colonel Rose "rode down to inform White." The latter, as we have been informed and believe was entirely unarmed. Who fired the first shot, as before stated, we do not know, but the fact remains undisputed that Colonel Rose rode over the band, and this was the commencement of the excitement which followed. Lieutenant Cushman returned from Memphis yesterday morning and authorized us to say that he never made any such statement as that telegraphed above by the associated press agent at Memphis in reference to the management of the telegraph office at this point; that he was ordered to Memphis to consult with another officer in regard to certain matters, having no connection whatever with the telegraph management at Little Rock. He states also, that in reference to Baxter's men firing at Colonel Rose, he gave it on rumor—not from anything he saw or knew himself. Commenting on the affair, the *Courier-Journal* says:

"Most people, after reading the dispatches this morning, will come to the conclusion that Colonel Rose, the Federal commander, is a hot-headed idiot. In the absence of detailed information as to motives, we can only surmise that his raid into the Baxter lines was a piece of foolhardy bravado. It is evident that the sympathies of the extreme radical wing of the Republican party are with Brooks. And why is this? Because, as far as we can divine any cause for it, Brooks is a person of miscellaneous and universal cussedness.

"He began his career as a border ruffian, having gone to Kansas a preacher to convert himself into a jayhawker. He became known to the people of Arkansas first as a canting Claytonite, then as a mouthing sorehead, and finally as an ultra liberal. Baxter has been all along an out-and-out Republican. He certainly beat Brooks fairly at the polls, and, though defeated, the Democrats acquiesced in the result. But Brooks did not. A reckless and desperate adventurer, he clung on to the chance of raising a disturbance, and through this disturbance of making some sort of bargain like that reported by our special telegram from Washington. We see the result, and nothing could better illustrate the utter wantonness of radical morality and the radical policy.

"It is impossible for thoughtful men to regard the pending struggle with anything but a sense of disgust."

President Grant's action in virtually protecting Brooks from assault by the legal governor, Baxter, is thus referred to by the *Memphis Avalanche:*

"President Grant's action in the Arkansas case, though not interference in one sense, is, in another, direct intervention; for it renders the Brooks revolution for a time a success. As the matter now stands, neither Brooks nor Baxter can use force. An officer of the United States army stands between them with drawn sword and commands the peace. He represents in his person the full power of the government. Under orders from Washington, Baxter will be prevented from making an application to Brooks of that force to which he succumbed at the bidding of Gen. Catterson. Had not the President said to both parties: "Hands off," there

can be little doubt that Brooks would have been forcibly ejected from the state house within ten hours of the *coup d'etat.* The President can only say: "Non-interference," but it is non-interference only in name. It is exactly the kind of interference desired by Clayton and Dorsey and the Republican members of the house from Arkansas."

The *St. Louis Times* thus comments:

"Already holding his credentials from a tribunal of the highest competent jurisdiction in the State as the chief executive officer of Arkansas, it would seem that this of itself should warrant Governor Baxter, even in the extremest measures, to reassert the authority which another is attempting to usurp; but it is apparent from the recent proceedings at Little Rock that states no longer possess any attribute of sovereignty that may not be overridden and trampled upon by Federal intervention. President Grant assured Governor Baxter that he should not interfere in the pending difficulties, yet, in the same breath, he orders such interference to be exercised, and to this alone is owing that Brooks, with his certificate from a circuit judge, is still permitted to hold the state capitol and brandish the state seal.

"In this emergency, confronted by the bayonets of Federal troops and refusing to compromise his relations to the general government by resistance to its mandates, Governor Baxter has no other alternative left but to ask that the question of legitimacy be again remitted to the legislature, and the same protection (?), by which he is now *restrained from the performance of his executive functions* be given to the representatives of the people upon their assembling to settle the legality of his election.

"It is a disgrace to the country that the governor of any state should be necessitated by reason of an armed defiance of his authority to call upon the state canvassers to recount the ballots to which he has once been solemnly certified and to call upon the President for a Federal guard to protect them in so doing, but what other course can be taken? In his last dispatch to the president Mr. Baxter declares that he has no war with and will declare no war upon the United States troops who now police the capital city of the State, hence the solution of the problem must evidently be evolved by another process, however humiliating it may be, or however much, by all the rules of propriety, it ought to be uncalled for. Hence Governor Baxter's proclamation, convening an extra session of the legislature, upon the assurance of President Grant that the members shall not be molested. But, suppose the session be held and a decision rendered, where is the guaranty that any such decision will be respected, and with what new powers of self-maintenance can the governor be invested that he does not now possess by right? Where, in a word, shall any safeguard to the public peace be found so long as the chief executive of the State remains liable to a violent deposition from office at any moment without the liberty of resistance? Verily, the radicalism of reconstruction will never weary of robbing the states until the last vestiges of their independence have vanished."

The *St. Louis Republican,* always fair, thus comments:

"Up to last night, notwithstanding the collision between Colonel Rose and a part of Baxter's militia, there was no particular change to note in the condition of affairs in Arkansas. Brooks was safely

entrenched at the state house, in possession of the seals of the gubernatorial office, and apparently resting in the belief that the Federal authorities would give him all the backing he required. This supposition seemed to be pretty well grounded, for the neutrality of the United States military was virtually the support of Brooks, who, being on the defensive, only wanted to be left alone. Baxter, on the other hand, had the force and the disposition to march upon the state house and compel the surrender of Brooks, but was deterred by the presence of the government troops, with whom he dared not interfere. How long it might have been possible to maintain this condition of affairs cannot be told, but it now looks as though the President is willing to consent to an adjustment which virtually determines the contest in favor of Baxter. The latter telegraphs to Washington, proposing to call together the legislature, which, he claims, alone has the power to settle the dispute, and asking a guarantee of protection for the members. To this President Grant replies that he 'heartily approves of any adjustment peaceably,' 'by means of the legislative assembly, the courts, or otherwise,' and gives the needed assurance of protection, concluding by hoping the military on both sides will disband. The *Globe* and *Democrat* have defended the course of the national administration in the lamentable Louisiana case; when the Texas imbroglio occurred and the President refused to interfere in behalf of either faction, he was loudly lauded for his magnanimous impartiality; and now that he tacitly supports Brooks in his outrageous and revolutionary usurpation of power in Arkansas, by interposing the national soldiery to prevent the people from regulating their own affairs to their own satisfaction, this lawless renegade from the state house and the gubernatorial chair, our dictatorial President will receive for this action, in common with all others so indicative of his sagacity and infallibility, the unanimous plaudits of these sycophants."

The *Memphis Appeal* editorially says:

"Elisha Baxter is governor and it would not do for him to disband his troops until Brooks sends his home and retires from the contest, which is not to be expected. So Baxter will have to keep his men under arms until the legislature meets, unless Brooks retires. Meanwhile, the merchants and business men of Little Rock are losing by thousands of dollars every day; the people of the State are kept in a continual ferment of excitement; popular government is brought into contempt, and the President of the United States is made to play the part of a partisan puppet by designing political knaves, who, if they had their deserts, would dangle from the end of a rope. McClure is a disgrace to the bench, and deserves the execration of every decent man, Republican or Democrat, and, Clayton and Brooks should be held to a strict accountability for unnecessary turmoil, riot, bloodshed and loss of property. When the Arkansas legislature meets, one of its first acts, after disposing of Brooks, should be the impeachment of McClure and the recall of Senators Clayton and Dorsey by the most condemnatory resolutions that can be framed."

The *Shreveport Times* contains the following:

"Notwithstanding the gleeful exclamation of some of our contemporaries, in relation to the course of the administration in the Arkansas imbroglio, that 'Grant seems to have had enough of interference in the Louisiana case,' it looks to us as though he was determined to keep his henchmen in office there, as he sustains one

of them in the gubernatorial chair here. He says, indeed, that the question as to whether Baxter or Brooks is governor must be determined by the courts, and that whomsoever those tribunals decide in favor of, he will recognize. He also says he will not interfere in the matter *except to keep the peace.* It is not possible that the President is ignorant of the fact that the supreme court of Arkansas in this very case, has twice decided that the courts have no jurisdiction, and that the action of the legislature was final. Now the legislature having decided that Baxter was governor, and he having been the occupant of the office for eighteen months under that decision, confirmed as final by two decisions of the supreme court, it seems to us that if the President really wanted the judgment of the courts upon which to base an interference in behalf of peace and justice, it is glaringly before him.

"Unfortunately, however, the President does not tell the truth. He does not want the decision of the courts, unless that decision is in favor of his partisan, the tool of Powell Clayton, and the enemy of the people of Arkansas. The first decisions were final and good, so long as Baxter was the President's man; but when he showed a disposition to inaugurate a good government, and put down rings and thieves, the decision, in the eyes of Grant, Clayton & Co., suddenly became worthless, and the snap judgment of an inferior court loomed up as their dictum upon which to act. The President says he will not interfere in the matter, except to keep the peace. Oh no! He will only keep the people of Arkansas from ousting Brooks, until that pious ruffian gets his snap judgment confirmed by his confederate, Chief Justice McClure, and then he will, according to Grantism, be governor, and the administration will recognize him.

"And in what position will this proceeding place the people of Arkansas? Baxter was the radical candidate for governor; he was counted in by a radical legislature, and a radical supreme court declared that the action of the legislature was final. They settled him as firmly in his seat as the President's bayonets have settled Kellogg in his. But Baxter had no sooner inaugurated a fair and honest policy, and begun an effort to fill the public offices with honest men, than these fellows turned against him, and thereupon suddenly and violently ousted him from office and installed Brooks. Now, with this little history before his eyes, will Brooks dare to stay the hand of the plunderers? Will he dare to appoint anybody to office that does not belong to the rings? Certainly not. He has seen Baxter decapitated for attempting to govern in the public interests, and he will throw himself heart and soul into the interests of the rings. If he is sustained in the office of governor, Arkansas will be reduced to the level of Louisiana. Brooks is notoriously a malignant agitator, and with the example of Baxter's fate before him, he will throw his whole heart and soul into the villanies that are set for him to do. Let President Grant tell the country now what he means by being guided by the decisions of the state courts in this matter, and what he means by not interfering, except to keep the peace. Does he mean what he says, or does he mean to indorse the action of those bad men who have deposed a governor because he sought to promote the public good, and set up one because he promises to be their willing tool and abettor in the plunder and ruin of the State?

"We do not propose to champion either Baxter or Brooks; but common decency demands that the administration in these controversies should be consistent. Therefore, if the President determines to ignore the corrupt action of a corrupt legislature that put Baxter in, and the decision of a partisan supreme court that decided that action final; and shall recognize Brooks because he was really elected, then let him ignore the corrupt count of a corrupt election board that declared Kellogg elected, and the corrupt decision of a supreme court that decided that action legal, oust Kellogg and allow McEnery, who really was elected, to take his seat. If he is going to force a bad man on Arkansas under this ruling, let him be consistent and give Louisiana a good man under it. If, on the other hand, Kellogg is to be sustained and Louisiana saddled with a scoundrel, let Baxter, who was seated under precisely the same circumstances, be upheld and Arkansas profit by the rule."

The *Chicago Tribune*, in a lengthy article, contains the following:

"The governor of Arkansas holds office for four years, and the present period runs, of course, to the election of 1876. But the people of Arkansas should, next November, elect a legislature and four members of Congress by separate districts. Since the last election, the disfranchised white men, on whose behalf Brooks appealed to the protection of the Federal law, have been fully restored to their rights as voters, by state law. The thirty-five Democrats in the legislature, fortunately holding a balance of power between Republican contestants for the senatorship, were able to exact this measure of justice from the majority. So much of the condition being changed, Governor Baxter (a native of Arkansas)[24] has been able of late to hold out to his fellow-citizens the promise of a fair election in November. 'A fair election' means the final end of power to the Clayton-Dorsey ring. Upon the first signal of such danger ahead, Senator Clayton appeared on the scene in Arkansas; Brooks was installed governor; Dorsey, Hodges and Snyder telegraphed their congratulations. The sudden discovery that Brooks was entitled to the office, by those who had deprived him of it, and the recognition by themselves of their own wrongful act, appears, however, not so much a deed of grace as a stroke of policy. Brooks is of the Harlan school of God-and-mammon-serving politicians; trainers under Harlan, both in church craft and state craft; an emigrant since the war from Iowa to Arkansas. He has joined the Clayton standard—that is all."

The *Russellville Tribune* says:

"The news was none the less astounding when we remembered that after the election, at which Mr. Brooks was a candidate, the political department of the government decided that Elisha Baxter was duly elected governor, was duly sworn into office as such by the same chief justice who now swears in his opponent, and that twice since that time has the supreme court of the State decided that no court of law had jurisdiction of the question. We even thought the question was settled. In fact it was supposed by everybody that the contest between Brooks and Baxter was ended. But now it suddenly looms up with greater magnitude than ever, and under peculiar circumstances. On the one hand is Brooks, whose battle cry in the last campaign was, 'Thieves to the rear and honest

[24]Governor Baxter was not a native of Arkansas. He was born in North Carolina and moved to Arkansas in 1852.—Editor.

men for office,' hand in hand with the very clique and ring of persons denounced by him in 1872 as the greatest set of thieves and vampires that ever infested Arkansas; while on the other hand, supporting their late political opponent and denunciator, are the men who put Baxter in the field, and all through the campaign denounced Brooks as a fraud and the father and author of the obnoxious features of the laws and constitution of the State. If all they have said of each other in the past be true, neither element of the present Brooks combination is to be trusted."

The revocation of martial law and the interchange of telegrams between Washington and Little Rock over the convening of the general assembly are well presented in the *Gazette* of May 11, 1874.

On Saturday night Colonel Rose gave the state house party notice that they must turn over the steamer Hallie to the owners by 7 o'clock Sunday morning. Prior to that time Brooks's mob went on board and rifled the boat of her contents, and scuttled her. She was sunk to the hurricane roof. This dastardly outrage is in keeping with the Fagan-Brooks bummers.

The *Republican* of yesterday says Bancroft has notified the women and children of Argenta to move out, as he intends to shell the town. All right. Let him shell.

On Sunday evening the members of the legislature telegraphed President Grant, stating that they would meet today under Governor Baxter's call, and asking for Federal protection.

Captain Dye's company from Jacksonville should have been credited to Lonoke, instead of Pulaski, county.

Yesterday morning the Kittie Hegler arrived, having on board two hundred infantry, mostly colored, belonging to General King White's command. They landed at Fourche, and marched to the city. Colonel Williams commanded. Colonel White returns many thanks to Captain Hegler for kind treatment to his men.

About 8 o'clock yesterday morning the Brooks mob crossed about two hundred men on the steamer Danville and the Cairo and Fulton railroad bridge, for the purpose of intercepting a company from Faulkner County, and another from Batesville, coming to reinforce Baxter. Soon after this movement, General King White, with a company of cavalry and five companies of infantry, crossed the river at the ferry for the purpose of making fun for the Brooks boys. A short time after they crossed, a skirmish occurred between the opposing forces; General White driving in their pickets, and corralling the whole party at the round house of the Cairo and Fulton railroad. In the meantime, the wildest excitement prevailed in the city that a fight was progressing on the opposite side of the river, and the house tops were covered with spectators. When things were getting interesting Colonel Rose sent Lieutenant Morrison with a company of Federals across the river on the steamer Danville, with a flag of truce, to notify both parties that they must cease fighting. During the fight on the opposite side several of the Brooks negroes were killed and wounded. General White sustained no loss. Soon after the engagement White drove the whole party into quarters at the round house, and had nearly surrounded them when Colonel Rose interfered. During the morning Colonel Rose notified General Churchill and the state house party that he would fire into the first one that fired

across his lines. General Churchill replied that he would not fire on the United States troops, but would protect his own men from the Brooksites if they were attacked.

A large number of new members of the legislature joined in a dispatch to the President yesterday, indorsing the dispatch sent on the evening before by a number of members of both houses.

During the morning of yesterday Governor Baxter issued an address to the people, stating that he had not agreed to the propositions submitted by the attorney general, as stated in yesterday's *Republican*. The governor also issued the following:

PROCLAMATION.

"Having heretofore deemed it necessary for the protection of the legal state government to proclaim martial law in the county of Pulaski, as chief executive of the State, I did so proclaim on the 16th day of April last; and having, after that, called the legislature together, to meet here on this day, I now revoke the proclamation of martial law, in so far as the meeting and deliberations of the legislature are concerned, and hereby notify all persons not to interfere with the members of the legislature, individually, or with the general assembly, in its meeting and deliberations, while the session may continue.

"In testimony whereof, I have hereunto set my hand, and affixed [L. S.] my private seal, the seal of the State not being accessible at 10 o'clock a. m., this 11th day of May, A. D. 1874.

ELISHA BAXTER, Governor of Arkansas."

By the Governor:

J. M. JOHNSON, Secretary of State.

By A. H. GARLAND, Deputy Secretary."

During the afternoon the governor received the following dispatch:

"WASHINGTON, May 11.

"Hon. Elisha Baxter:

"I recommend that the members of the general assembly, now at Little Rock, adjourn for a reasonable time, say for ten days, to enable Brooks to call into the body his supposed adherents, so that there may be a full legislature. Any hasty action by a part of the assembly will not be satisfactory to the people. Brooks's friends here agree that if this course is pursued no opposition will be made to the meeting of the assembly in the state house as usual, and that he will at once dismiss his forces if you will do the same. I urgently request that all armed forces on both sides be disbanded, so that the general assembly may act free from any military pressure or influence. The United States will give all necessary protection to the legislature, and prevent as far as practicable all violence and disturbances of the public peace. Answer. U. S. GRANT."

Governor Baxter promptly replied as follows:

"To U. S. Grant, President:

"There is almost a quorum of both houses of the legislature present, and they have power, under the constitution, to adjourn from day to day until they have a quorum, and they can adjourn no longer until they have a quorum. When they get a quorum I am in favor of their adjourning as long as they please, until every supposed Brooks adherent is present.

"With this understanding, I will disband my troops in proportion as Brooks disbands his. But for the meeting of the legislature at the usual place, Mr. Brooks must quit the state house and get as far from it west as I am east, and deposit the state arms in the state armory and let the state house and public buildings be turned over at once to J. M. Johnson, the secretary of state, to whom under the law they belong. ELISHA BAXTER,
Governor of Arkansas."

The above dispatch was indorsed as follows:

"LITTLE ROCK, May 11,

"To U. S. Grant, President:

"We, the undersigned members of the general assembly of Arkansas present here, to meet under the call of Governor Baxter, have read his (Baxter's) response to your telegram today, and we most heartily approve and endorse it.

B. F. ASKEW, president of the senate, and eight others.

X. J. PINDALL, speaker of the house, and thirty-six others."

Last night Governor Baxter received the following dispatch, in reply to that published above:

"WASHINGTON, D. C., May 11, 1874.

"Honorable Elisha Baxter, Governor:

"I am directed by the President to say that he considers your proposition fair and reasonable, and I have asked for its immediate acceptance by Brooks.

GEO. H. WILLIAMS, Attorney General."

From parties who were in the skirmish across the river yesterday morning, we learn that the Fagan-Brooks party would have been bagged entire, had it not been for the appearance of the Federal forces. How many were killed and wounded on the other side we have no means of knowing. It is variously stated—from three to nine killed, and from four to seventeen wounded. General White had but one soldier slightly wounded in the leg. The command returned to the city about 2 p. m.

The murderous and cowardly attack of Fagan's bushwhackers on the steamer Hallie, has had the effect to unite the whole people of the upper country—Faulkner, Conway, Pope, Johnson, etc. Major Henry, of Conway got down from Conway last evening with a small company. More will be here today whether the train runs or not.

Several companies arrived yesterday from various directions. General King White's infantry of colored troops were on guard duty last night.

The following explains itself:

"General Order No. 1.—Headquarters District of White and Van Buren counties.

"All persons subject to military duty under the laws of the State of Arkansas, are hereby required to report to the different enrolling officers of their sub-districts at once, and enroll their names as militiamen of the State. All persons disregarding this order will be held as enemies to the state government, and dealt with accordingly.

"By order of Brigadier General A. R. WITT.

"By B. P. BAKER, lieutenant colonel and A. A. G., Quitman, Ark., May 9, 1874."

It was reported last evening that Captain Gibbons, of the Brooks forces, left last evening with his company for home, thus deserting Brooks.

Last evening a company of Federal soldiers was stationed for a short time across Markham street, between Rock and Commerce, and two 6-pounders were planted on Rock street, between Sixth and Seventh streets. The troops were soon withdrawn. What they were placed there for we did not learn. General Churchill rode down the street to where the line was formed, and was accosted rudely by a Federal sergeant, who spoke in very abrupt terms. The general reported the matter to Lieutenant Morrison, who had the sergeant promptly arrested.

Brooks issued a proclamation yesterday convening the legislature on the 25th inst. This was occasioned by the following dispatch:

"WASHINGTON, D. C., May 11, 1874.

"Governor Joseph Brooks, Little Rock, Ark.:

"Accept at once the attorney-general's proposition. Will telegraph our reasons when Baxter accepts. If he accepts, do not relax efforts.

"B. F. RICE,
"POWELL CLAYTON."

But Baxter didn't accept.

In pursuance of the proclamation of Governor Baxter issued April 22d, the general assembly of Arkansas convened on May 12, 1874, in the city of Little Rock. Eleven members of the senate appeared and answered to their names; forty members appeared in the house; there not being a quorum present, both houses adjourned until the next day. On the morning of May 13th, a quorum of both houses of the general assembly convened.[25] During this time and on the 12th, several skirmishes occurred between the forces, notably on the 12th and 13th in Little Rock. These resulted in a few injuries, but no one was killed. On the 15th day of May, 1874, the general assembly of Arkansas received from the attorney general of the United States, the proclamation of the President commanding Brooks to disband his forces. Upon the receipt of this, steps were at once taken to comply with it.

We again copy from the *Gazette* of May 16, 1874, as follows:

DEPARTMENT OF JUSTICE, WASHINGTON, May 15, 1874.

To J. G. Grierson, President *pro tem*, and James H. Berry, Speaker *pro tem*, Little Rock, Ark.:

The following proclamation is sent to you for publication:

GEORGE H. WILLIAMS,
Attorney General.

[25] *Gazette*, May 14, 1874.

A PROCLAMATION.

By the President of the United States of America:

WHEREAS, Certain turbulent and disorderly persons pretending that Elisha Baxter, the present executive of Arkansas, was not elected, have combined together with force and arms to resist his authority as such executive, and other authorities of said State, and whereas, said Elisha Baxter has been declared duly elected by the general assembly of said State, as provided in the constitution thereof, and has for a long period been exercising the functions of said office into which he was inducted according to the constitution and laws of said State and ought by its citizens to be considered as the lawful executive thereof; and whereas, it is provided in the constitution of the United States that the United States shall protect every State in the union on application of the legislature, or of the executive when the legislature cannot be convened, against domestic violence; and, whereas, the said Elisha Baxter under section 4 of article 4 of the constitution of the United States, and the laws passed in pursuance thereof, has heretofore made application to protect said State and the citizens thereof, against domestic violence; and, whereas, the general assembly of said State was convened in extra session at the capital thereof, on the 11th inst., pursuant to a call made by said Elisha Baxter, and both houses thereof have passed a joint resolution also, applying to me to protect the State against domestic violence; and, whereas, it is provided in the laws of the United States that in all cases of insurrection in any State, or of the obstruction to the laws thereof, it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive when the legislature cannot be convened, to employ such part of the land and naval forces as shall be judged necessary for the purpose of suppressing such insurrection or causing the laws to be duly executed; and, whereas, it is required that whenever it may be necessary in the judgment of the President to use the military force for the purpose aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time.

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation, and command all turbulent and disorderly persons to disperse and return peaceably to their respective abodes within ten days from this date, and hereafter to submit themselves to the lawful authority of said executive, and the other constituted authorities of said State, and I invoke the aid and co-operation of all good citizens thereof to uphold law and preserve public peace.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed. Done at the city of Washington, this fifteenth day of May, in the year of our Lord eighteen hundred and seventy-four, and of the independence of the United States the ninety-eight.

[SEAL.] U. S. GRANT.

By the President:
HAMILTON FISH,
Secretary of State.

CONGRATULATORY ADDRESS OF GOVERNOR BAXTER.

HEADQUARTERS, STATE OF ARKANSAS, LITTLE ROCK, May 15, 1874.
General Order No. 25.]

Officers and Soldiers of the State of Arkansas:

I. Inspired by true patriotism you have responded to my call to resist and put down by arms the most inexcusable and reckless attempt

to usurp the government of this State, that ever disgraced our country. Regardless of your individual interests, and of everything but the public good, you came to the support of civil liberty; in the face of great and perplexing difficulties you have stood manfully at your posts; your patience and discipline have only been equalled by your courage; you were restrained by your respect for law and peace, from making war upon the Federal soldiery, who stood persistently between you and the insurgent force in the capitol; upon every occasion, when you have been able to meet the public enemies you have been victorious, and forced them to seek protection behind the Federal guns.

At length your valor and patriotism are rewarded.

The following has been received from Washington. [The proclamation of the President precedes this.]

As citizens and soldiers of Arkansas, I congratulate you.

You will see to it for the future that, as by your promptness, vigilance and good conduct in this emergency, the rights of citizens of our State have been rescued from a vile ring of tyrants and thieves, so in the future they shall be preserved and handed down unsullied to our posterity. Henceforth let Arkansas be the home of a free people, who know their rights and dare maintain them.

Finally, let us together give thanks to the great God of armies, who has blessed our cause; let us remember with gratitude the great citizen soldier, the President of the United States, who has at length recognized the justness of our cause; and, as your conduct has been thus far marked in a most extraordinary degree by order, sobriety and discipline, let not our friends, the people, have any cause to censure you for any disorder or riotous conduct now in the moment of victory.

II. The commanding general will see that this order is read at the head of each company at retreat this evening.

ELISHA BAXTER,
Governor of Arkansas and Commander-in-Chief.

Official:

M. MCCANANY, Adjutant General.

CORRESPONDENCE.

HEADQUARTERS ARKANSAS STATE GUARDS, LITTLE ROCK, May 15, 1874.
To His Excellency Elisha Baxter, Governor of Arkansas:

I have the honor to send Colonel P. Dunn, bearing a flag of truce, requesting to know if you will receive a commission of two citizens and two officers of this command, for the purpose of considering and settling any question in reference to the time of disbanding the troops in each command, and sending them home.

By order of the commander-in-chief,

M. T. SANDERS, Adjutant General.

ENDORSEMENT BY GOV. BAXTER.

HEADQUARTERS STATE OF ARKANSAS, LITTLE ROCK, May. 15.

Respectfully referred to Maj. Gen. R. C. Newton, commanding military forces of Arkansas.

By order of the commander-in-chief,

E. W. THOMPSON,
Brigadier General and Chief of Staff.

HEADQUARTERS ARKANSAS STATE GUARDS, LITTLE ROCK, May 15, 1874.

General Jas. F. Fagan, Commanding, etc.:

GENERAL—I have the honor to inclose herewith a communication addressed to his excellency, Governor Baxter, which has been referred to me.

I have verbal instructions from the governor to attend to the matters to which it relates. Not being informed as to what commander-in-chief is represented by Adjutant General Sanders, if it is the object that the military forces under your command should be represented, I think it should be done by direct communication between yourself and me; and that if, on the other hand, it is thought better that Honorable Joseph Brooks should communicate with Governor Baxter in regard to the matter spoken of in the communication herewith inclosed, then that they should correspond directly with each other, and not by or in the name of staff officers.

Very respectfully,
R. C. NEWTON, Major General Commanding.

STATE OF ARKANSAS, HEADQUARTERS MILITIA FORCES,
LITTLE ROCK, May 15, 1874.

General R. C. Newton, Commanding, Etc.:

Yours per Colonel Rottaken, of this inst., in which I am informed that your preference, as even as that of Governor Baxter, is that the question with reference to the disbanding of the troops in each command of the State forces be discussed.

In order that there may be no further delay, I suggest that you receive a commission of two citizens and two officers of this command, for the purpose contained in the note of Gen. M. T. Sanders prior to this, in reference to the time of disbanding the troops in such command.

Respectfully,
J. F. FAGAN, Major General Commanding.

HEADQUARTERS ARKANSAS STATE GUARDS, LITTLE ROCK, May 15, 1874.

General J. F. Fagan, Commanding, Etc.:

GENERAL: I shall be pleased to receive, at any time you may suggest, the commission you may designate, to arrange for the proper disbanding of the forces of your command, and the giving of all proper guarantees to your soldiers upon their return home.

Of course the state militia cannot be disbanded without legislative action, but I propose to send the troops of my command to their respective counties as rapidly as possible.

I think that with either you in person, or with a commission designated by you, I can readily arrange for the transportation of citizens of the State, who may be here in arms, to their respective homes, and for their protection in returning to their different localities after they arrive there.

Very respectfully,
R. C. NEWTON, Major General.

A commission from the Brooks side was in consultation with General Newton at a late hour last night, to arrange upon terms.

On May 16, 1874, both houses of the general assembly passed an act entitled "An act providing for a convention of the people of the State of Arkansas to frame a new constitution." [26]

At last Brooks surrendered and the so-called war ended.

We copy the articles of surrender from the *Gazette* of May 17, 1874, as follows:

THE SURRENDER OF BROOKS.

The following is the cartel agreed upon by Generals Newton and Fagan in reference to the surrender of the Brooks forces:

HEADQUARTERS ARKANSAS STATE MILITIA,
LITTLE ROCK, ARK., May 16, 1874.

General Order No. 10.]

I. The following arrangements between the major general commanding and General Fagan commanding the opposing forces, will be respected by officers and soldiers of this command:

"LITTLE ROCK, ARK., May 16, 1874.

"AGREEMENT by and between Major General Robert C. Newton, commanding Arkansas State forces under Governor Baxter, and Major General James F. Fagan, commanding forces under Honorable Joseph Brooks, arranging terms for the transportation to their homes of the forces on both sides.

It is mutually agreed—

1. That in obedience to the proclamation of President U. S. Grant, of the 15th inst., the Brooks forces, under command of Major General J. F. Fagan, shall be dispersed as hereinafter particularly agreed on; and

2. That the state forces under command of Major General R. C. Newton, to such extent and as rapidly as the dispersing of General Fagan's forces quietly to their homes will justify, will be moved to their respective counties, and used in the military service for no other purpose than the preservation of the public peace, and the protection of all persons against violence, without regard to politics, or color, or any participation in the recent troubles in the State.

3. That all men and officers under command of Major General Fagan are to retain their private arms and private property.

4. That the command of Brigadier General Edward J. Brooks, from Fort Smith and up the Arkansas River, shall be allowed to retain their private arms and twenty-five stands of state arms, the latter to be receipted for by General Brooks, and turned over to him by an officer to be designated by General Newton; the command to start today per steamer Robert Semple, under a white flag.

5. That all men of the Brooks forces living eastward on the line of the Memphis and Little Rock railroad, shall start tonight, or as soon thereafter as possible by train, under charge of their officers, the train to be under a white flag.

6. That all of the Brooks forces from Pine Bluff, or down the Arkansas River, shall be sent by boat as soon as transportation can be furnished.

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[26] See copy of act in *Gazette*, May 17, 1874; in acts of general assembly for 1874, p. 3.

7. That the mounted men of the Brooks forces may be retained, if desirable or necessary, until the unmounted portions have dispersed.

8. That the members of the Brooks forces living in Pulaski County shall be sent to their homes, by companies under discreet officers, as rapidly as possible.

9. That all men of the Brooks forces included in this agreement, who have been acting as enlisted men under the command of their officers, are assured that full protection shall be given them, and that they will be permitted to return to their homes and their usual avocations, and shall not be molested for acts done under the orders of their officers; nor shall officers going to their homes, with or without troops, be molested.

10. That all public arms and munitions of war now in the hands of the Brooks forces, except those above mentioned as being allowed temporarily to General E. J. Brooks, shall be left at the armory at the state house, unless Major General Newton shall allow other portions thereof to be used by either side, pending the removal of troops from the immediate scene of hostilities.

11. Transportation hereinabove referred to shall be furnished by the State of Arkansas.

Signed in duplicate the date first above mentioned.

(Signed) R. C. Newton, Major General Commanding.

(Signed) J. F. Fagan, Major General Commanding."

II. The immediate lines of the troops at Little Rock are confined to a line running from the Arkansas River along the eastern side of Main street to Third street; thence along the south side of that street east to Rock street; thence along the east side of Rock street to the Arkansas River. The lines of the opposing forces are confined to a line running from the Arkansas River above Broadway to Third street; thence along the south side of the latter street to Louisiana street, and along the west side of the last named street to the Arkansas River. A patrol guard of United States troops will occupy the balance of the city for the protection of the citizens; and within our own lines officers and soldiers will see to it that no depredations, nor any breaches of the public peace shall be committed; so that the magnificent record made up to this time by the army may not be marred.

III. There will be no scouting parties sent from this command beyond the immediate lines of the army, as above designated, until further orders.

By order of Major General R. C. Newton.

Beal, Hempstead, Colonel and A. A. G.

Captain Sleeper's company from Lewisburg are entitled to great credit. The news of the rebellion reached them on the 17th of April. They raised a company of eighty-five men and reached here by the first train. A portion of the company has remained in active service, doing hard guard duty and fighting from that time to the present. Lieutenant Hill deserves special credit for the faithful manner in which he has discharged his duty.

Secretary of State J. M. Johnson yesterday took possession of his office and the great seal of State. He turned over the keys of the two houses of the general assembly to the secretaries of the respective bodies.

Governor Baxter last evening received the following dispatch from General Emery, the United States military commander of this district:

"New Orleans, May 16, 1874.

"To His Excellency Elisha Baxter, Governor of Arkansas:

I have this day ordered the commanding officer of the United States troops at Little Rock to hold the state arms in his possession subject to your order, and to afford you in the position of governor all the protection the case calls for.

W. H. Emery, Colonel and Brigadier General Commanding."

A GENERAL REVIEW.

By the following order it will be seen that there will be a general review of the state forces this evening:

"Headquarters Middle Division, A. S. M.,

Little Rock, May 17, 1874.

"General Order No. 14.

Pursuant to orders from the major general commanding there will be a general review and inspection of all the Arkansas State troops now quartered in this city at 5 o'clock p. m. this day.

By command of Major General T. J. Churchill."

B. F. Danley, Colonel and A. A. G."

As a fitting close to this sketch we copy from the *Gazette* of May 20, 1874, the following:

GRAND MILITARY PAGEANT.

About daylight yesterday morning, Joseph Brooks, who stole the state house from Governor Baxter thirty-four days ago, departed from the public buildings going where no one seemed to know. After diligent inquiry we could learn nothing of his whereabouts. The impression seemed to prevail that with a detachment of mounted men, he took the road in the direction of Fort Smith. The barricades across the street in front of the Republican office made by the United States forces, were removed yesterday morning. Secretary Johnson was at his office early in the morning seeing to the clearing up and repairing the buildings. Colonel Johnson states that when he went up to the state house, Joseph was in the governor's office, but all at once he disappeared. He wanted to see him on some business, proceeded to his office and made an important capture. It was an old single-barrel pistol that had been in use since Washington's time. It had but one screw in the stock, and was tied with a twine string. It is supposed that Joseph kept it for his protection.

Colonel Page stated that he had never honored a single warrant drawn upon the treasury since Baxter left the state house. He says he did not refuse directly, for if he had done so, he would have been arrested for contempt.

Mr. Babcock, of the Brooks camp, was the only man we found of the insurgents yesterday morning. He had been left to turn over all the arms and ordnance stores.

About twelve o'clock Major General R. C. Newton, Major General T. J. Churchill, General Barton, Colonel J. M. Johnson, secretary of state, Colonel W. N. Portis, Colonel S. B. Reardon, Colonel Sam O. Smith, and Colonel Arnold Syberg, staff officers, went to the state house headed by companies A and B of the Woodruff guards, commanded by Captain

Jones. On entering the grounds many strange sights were to be met with to those who had not been there during the past month. Earthworks on the southeast and the east corner of the building of rather a formidable character were to be seen, together with plank barricades scattered throughout the grounds and in the building. The facings of the front doors, which lead into the main hall, as also the rear doors, were cut down so as to admit of the easy egress and ingress of the artillery. Everything was topsy turvy. Guns were piled pell mell about the building, plank barricades were met with at every turn, and throughout there was a scene of desecration which can hardly be described.

The building was in a fearfully filthy condition, a mixed perfume of sour bacon and human beings pervading the entire edifice which was positively nauseating.

Perhaps the filthiest room in the whole building was the state library. The shelves had been turned into extempore tables, with sheets of the geological survey doing duty as table cloths, while the books were trodden under foot and soiled, many of them utterly ruined. It is fortunate for the city that the war is over and peace declared before the hot summer months, else the city could not have escaped a pestilence.

In the armory were about a hundred stands of arms, and as many more piled loosely in the north hall adjoining. In the rear of the building a truck wagon was receiving kegs of powder which were stolen from Miller & Penzel and were placed in a small hole in the ground just in rear of the sheriff's office.

In the various rooms workmen were busy renovating and refitting. In the senate chamber the matting was being placed upon the floor, and it looked as though it might be ready for occupancy by today. The representative hall was not in so forward a condition, though the workmen thought they would get through this morning.

At 12:30 the yard was cleared of all spectators, and the guards specially detailed for this duty were assigned their posts under command of Colonel Rottaken. They were the companies of Captains Jones and Mason, Woodruff County guards, who were stationed at the right of the main entrance, and Colonel J. W. Williams of Hempstead county, who occupied a similar position on the left. They were among the first in the field, and naturally felt proud of what they considered the post of honor on this occasion. From their number sentinels were detailed throughout the building.

This was about the condition of affairs at one p. m. around the state house. General Newton was there in person, and after having a thorough inspection made of the surroundings, he sent the following note to Governor Baxter, who was in Odd Fellows' hall, waiting to be notified:

"Headquarters, Arkansas State Militia,

Little Rock, Ark., May 19, 1 p. m.

"His Excellency, Elisha Baxter, Governor of Arkansas:

"Sir: I have the honor to report that I have possession of the capitol buildings and grounds with my guards posted so as properly to protect the same.

"I write this from the executive office which I take great pleasure in reporting as ready for your reception.

"With high regard, I am very truly, etc.,

R. C. Newton, Major General Commanding, etc."

As soon as the governor received the message, in company with his staff and a few citizens, he went down stairs, where the carriages were in waiting for the party. Governor Baxter, W. E. Woodruff, Sr., General M. McCanany, Secretary of State Johnson, and D. E. Jones, Esq., occupied the first carriage. The next was occupied by Colonel A. H. Garland, Judge F. W. Compton, Mr. Carroll, of the *New York Times,* Mr. Smith of the *Chicago Times,* and J. N. Smithee, of the *Gazette.* General King White's cavalry were in front, the governor followed next, and the infantry and artillery brought up the rear. In this order the party moved to the state house. At the gate the governor's party halted, got out of the carriages, and at once proceeded to the state house. Going up the main entrance, the governor then proceeded through the main hall, turning to the left and going up to the executive room. On arriving at his room, there was immediately a throng of friends to congratulate the governor. His friends insisted on his taking his usual seat. Before doing so, the governor made a short speech, in which he stated that thirty-four days ago, one morning before he knew anything about what was going on, he looked up and saw the grim visage of Joseph Brooks standing opposite his desk; that Brooks said to him he had a judgment of the Pulaski circuit court, and desired to take possession of the office of governor. Governor Baxter responded that he could only do so by force. Whereupon Brooks retired, broke open the armory, and at once filled the building with armed men, putting him out by force. The governor, while proceeding to make some other remarks, was directed by his officers to take his seat, and as he did so the big seventy-four pounder was touched off announcing the event to the happy people of Little Rock. This was immediately followed by round after round from the Parrott guns, which were placed in position at the foot of Louisiana street. Congratulations then followed. Everybody was happy, and amidst the firing of cannon and the excitement which followed the Baxterites rambled through the buildings and grounds lately occupied by the great chronic agitator and revolutionist.

All the public offices were closed. Not a state or county official, except Treasurer Page, was to be seen. The sheriff's office was occupied by the governor's forces. Indeed the approaches to all the offices were guarded. The enthusiasm was beyond description. A Brooks man could not be seen anywhere, while Baxter's men were everywhere. As the governor's procession moved up Markham street to take possession, the houses on either side were lined with spectators, especially ladies, who were as happy as the men, and waved their handkerchiefs in delight.

The Parrott guns were commanded by Captain Geo. A. Merrick and Lieutenant E. J. Courtney. One hundred and one guns were fired. Miss Maggie Trigg pulled the lanyard which touched off the first cannon. Miss Mollie Morton walked up bravely and pulled the next one. Miss Trigg received a slight wound in the face by the friction primer. Mrs. Dr. Skull fired the seventy-four pounder. Miss Sophie Creese also showed her courage by firing one of the guns, and waved her hat to the Baxterites as she did so.

One of the active artillerists, Charles Mayer, of Washington, Hempstead County, had his face and head badly burned and blackened by the premature discharge of one of the pieces while firing the salute.

The members of Colonel Bull's battery of artillery, and their friends, met last evening at the residence of Major Robert Grindred, and passed a social evening. The best of spirits prevailed, and the occasion was a festive one, with speeches, toasts and all the *et ceteras.*

Governor Baxter yesterday evening took possession of the offices in the state house, except those of secretary of state and commissioner of public works.

The secretary of state yesterday found and took possession of the seal of state in Sheriff Oliver's office, which was taken possession of by some of Oliver's deputies in the express office about ten days ago.

The governor's office was illuminated last night, and hundreds of friends called to pay their respects to the executive.

Various private dwellings and business blocks were also illuminated in various parts of the city, among which the attention of our reporter was particularly attracted by the stores of Lasker & Parker, J. Kumpe and S. Navra.

Thus after an active contest between governor Baxter and Joseph Brooks, commencing on April 14, 1874, and ending on May 20, 1874, a period of thirty-four days; and after about two hundred citizens had lost their lives, peace once more reigned in Arkansas. Many incidents of this war might have been given in this sketch: individual sacrifices and heroism might have been cited and enlarged upon, which have not been referred to. But as the purport of this sketch was simply to collect certain facts for the future historian, it was not thought advisable to do so.

The events given in this sketch are correct. They do not rest on the memory of men after a lapse of thirty-four years, but are based upon printed matter written at the time, and recorded in print the day of or the day after the occurrences. They are true, barring a few statements as to motives, which may be influenced by partisan feelings.

Any one desiring to get further facts will find them in the following works:

Price vs. Barton, 25 Ark. Reports, 527.
Brooks vs. Baxter, MSS. opinion, Ark. Supreme Court, 1873.
Wheeler vs. Whytock, MSS. opinion, Ark. Supreme Court, 1873.
Brooks vs. Page, MSS. opinion, Ark. Supreme Court, 1874.
Baxter vs. Brooks, 29 Ark. R., 173.
Opinion of U. S. Attorney General, 29 Ark. R., 190.
Arkansas Gazette from 1873 to 1875.
Daily Republican for 1873 and 1874.
Two Volumes of Poland's Reports to Congress.

POPE COUNTY MILITIA WAR.

(July 8, 1872, to February 17, 1873).

By Thomas J. Reynolds.[1]

For seven years (1865-72) attempts had been made by the Federal authorities to reconstruct the State, and Pope County in particular. The county had reconstructed itself by falling into line and accepting the policy of the national government. The attempts, therefore, were like making a well man sick that the curative properties of a favorite remedy might be tested. Military force is needed only when the civil power no longer avails. If then such force must be used in connection with the process of reconstruction, by what means should the action of those who used the force be controlled? Force at best has no heart, and is a stranger to mercy and the enemy of good government. Yet the county was under military rule three out of the seven years, a longer period perhaps than any other county in the State, war-like conditions all the while prevailing. That murders of a most atrocious character had been committed is a matter of history. A band, numbering not exceeding half a score of men, committed these crimes on the plea of revenge; they

[1]Thos. J. Reynolds was born and reared on a farm seven miles northeast of Russellville, Pope County, Arkansas; date of birth July 1st, 1845. He received an elementary education in the country schools of his county. The Civil War closed his school days. In 1862 he and his father were detailed by the war department of the Confederacy to manufacture leather, boots, shoes and harness for the government. At the close of the war he became a partner of his father in the mercantile business; in December, 1867, he received license to preach in the M. E. Church, South. Mr. Reynolds entered the traveling ministry in 1878, serving the following charges: East Clarksville circuit; Ozark and Fayetteville stations; Prairie Grove (Washington County) and Bentonville circuits; Bentonville, Altus (Hendrix College); Neosho, Missouri; Harrison, Arkansas; Van Buren, second church at Fort Smith, and Eureka Springs stations. He located in 1898. During his active ministry of twenty years he received more than a thousand persons into the membership of the church and licensed more than twenty young men to preach. He now resides at Magnolia, Ark. —Editor.

were of the baser element and had neither the respect nor the approbation of the better classes. Therefore, the whole county suffered for the acts of a few.

In the spring of 1867 two companies of "regulars" under the command of Major Mulligan, United States army, came to Dover, the county seat, to aid the civil authorities and in the interest of the Freedman's Bureau. These soldiers had a welcome reception and after a year and a half departed, regretted by all. The officers of the companies, by their gentlemanly bearing and conservative methods, made friends in every class of people.

By taking advantage of the "registration act," by which Democrats were reduced to a minority, the Republicans were in control, although their strength was nominal, which position they held until 1873. For the most frivolous excuses and on baseless pretenses, the Democrats were deprived of the right of suffrage by disfranchisement; hence a mere bagatelle in numbers held the reins for several years.

Before taking up the history of the militia war, some history that lies back of it, in addition to what has been said, deserves brief notice. Thousands of acres of lands, the best in the county, had been returned delinquent, declared forfeited, and sold for non-payment of taxes regardless of receipts in possession of the owners. Thousands of dollars, thus realized, went into the pockets of the clerk and sheriff. If not, where? Redress of grievances was, in large measure, if not wholly, refused by the courts. The juries were a mixture of whites and ex-slaves, the latter being taught to believe that the late master had no rights to be protected, while the former believed that the lands in posession of rebels should be confiscated; in this view of the case it will be seen that an appeal to the courts was futile. Fear of the consequences prevented the purchaser from taking possession of, or demanding the payment of rent, for these lands; but he did look forward to the time when a friendly judiciary should decide favorably and give him undisputed right to that which he had neither inherited nor bought with his money.[2]

[2]Captain Tom Daniels had said to one of these bogus claimants to his fine river lands: "Come down and claim my lands. I will make you a present of six-by-four feet and plant you there."

The military scheme demanded a certain class of men; these men were at hand, ready to obey, with the necessary qualifications and equipments. Wallace H. Hickox, a Federal cavalry officer from Iowa (?) remained South, and in the county, when the war (1861-65) closed, and devoted his energies, which were not weak, and worthy of a better cause, to the reconstruction of the county. His mental endowments were of a high order, not to say superior. Physically he was little less than ideal. As a horseman he elicited admiration. He rode alone on his superb black horse at any hour, day or night, when he must have known that his life was in constant peril. Incidentally, it had been whispered (which was true) that a double barrelled shotgun had fired its load through his window on a dark night, with the expectation of killing him while he slept. His bed had been changed to another position, hence he was unharmed. It was weeks before this was known, even then the intelligence did not come from Hickox. Believing that no punishment was too severe to be meted out to "conquered rebels," and with an eye on the promising fields rich in spoils, this man (Hickox) was pre-eminently qualified to play the leading part in a drama which impoverished a whole county and sent many of its leading citizens into exile for half a year.

The other characters of the list, though greatly inferior to their chief, were well chosen. What they lacked of his distinguished daring they made up in other essentials. A brave man is humane. The demon of power to gratify the lust of gain, conjoined with inveterate hatred for a fallen foe, who was regarded as legitimate prey, seems to have dominated all the leaders, ultimately driving them to their death. Conciliatory methods would have made their names famous in the county, whereas they are an execration.

E. W. Dodson, the sheriff, occupied a middle ground between the mountaineer, with his typical traits, and the cultured class. He was by nature a leader of clans, minus the courage. His desire for the spectacular was little less than amazing. His purpose to achieve his ideal caused him to ride down all opposition and to command followers. His methods were never questioned and to stand in his way was to be crushed. The county

superintendent of public instruction, W. A. Stewart, was, as has been aptly said, "the praying man." He was punctilious in observing the Pauline injunction, "I will that men pray everywhere." But he seemed to have the notion as well that he should first pray, then crush the thing prayed for.

The money stream was flowing freely, but its flow must be increased. Clary, according to his own boast, was "making two hundred dollars a day" on his contract to complete the court house, which Reynolds had constructed at a cost of twenty thousand dollars. Others were doing as well, doubtless. Had these men known that one of the desks, for which an enormous price was being paid, would one day echo their dark, secret plot against the lives of the county's best citizenship, would they have changed their course?

There were two classes of the citizens, each of which stood for the right, and neither, under ordinary conditions, would, nor could they have been induced to, offer armed resistance to the constituted powers, as the sequel will show; they loved the right for its own sake. Included in the first class are the old and honorable names of John R. H. Scott, son of a territorial chief justice of the supreme court, who was a resident of the county as early as 1829, at which time he was a student in school at Dwight Mission, of which Dr. Cephas Washburn was superintendent, and had held many offices of trust and honor; Major David West, a pioneer and ex-state senator; Andrew J. Bayless, who had served the county as circuit clerk for a score of years; Rev. William A. Barker, also a pioneer and an honored Methodist preacher; Colonel Ben. T. Embry, late commander of the regiment, C. S. A., of which the lamented McIntosh was colonel at the time of his death at the battle of Elk Horn; Major Caleb Davis, who was a Mexican War veteran, to whom the command of a brigade was entrusted during the closing days of the siege of Vicksburg, and who, be it known, was a superintendent of a Methodist Sunday school in the county for more than sixty years successively. The list is far from complete. In the county were Russells, Parkers, Wilson, Williamsons, Hales, Reynolds, and a host of others. These names have been selected from many to indicate the character of the citizenship of the

county, who might justly be denominated "The Old Guard." W. B. Young, Reece B. Hogins, W. H. Poynter, James W. Russell, Dr. Andrew H. Scott, W. J. Reynolds, the Lintons, the Rowlands, and the Bullocks,—these composed the second class,—"Worthy sons of worthy sires." This class was feared for the reason that they would resent an insult. How should these men be disposed of, how be made to stand aside, and how should their protests be hushed? Tornadoes may not come when they are called. The scheme failed in the end because the character of the men to be uprooted had not been correctly estimated; they were native growth and deeply rooted in the soil.

At the capital of the State were men, chief in authority, many of whom, like Hickox, had remained South, actuated in the main by the same motive. Some of these men were of that numerous brigade who volunteered, not to fight, but to forage. For the man who held a position on the firing line, whether he wore the blue or the gray, fighting under the stars or bars, the highest award of honor is due; most of those who honorably wore the blue went North when the United States volunteer army was mustered out of service; however, there are many worthy exceptions to the rule.

The conspirators whose purpose, it seemed, was to confiscate the property of the county, must have state aid, the task was too great without such aid, if only the semblance of an excuse could be devised to conceal the true intent and purpose. A large majority of the people were peace-lovers; there was no lawlessness worthy the name. The contrary must be made to appear. The presence of state troops was imperative; military rule must take the place of civil law. It must be shown by example that a civil officer, if faithful in the discharge of his duties, was in great peril, that beneath, volcanic forces were pressing upward which only awaited the removal of restraint, that to prevent their breaking forth more pressure should be applied. The reverse was true. The removal of the pressure would have permitted any such real or supposed force to escape without damage to anyone. Added pressure sometimes renders the explosion more disastrous.

On July 4, 1872, there was held at Center Valley, a Methodist (North) camp ground, a celebration of Independence Day, which was attended by the officials of the county and prominent ministers not a few. The day was given to making patriotic addresses in which much was said in condemnation of "rebels" in general and those of the county in particular, especially was this true of the ministers. On the 5th, the next day after—the date is approximately correct, if not exactly,— the news spread over the county that John Williams, the sheriff's chief deputy, had been seriously, if not fatally, wounded from the brush at his home near Scottsville in the northern part of the county. Great excitement followed which affected the entire population. Williams's neighbors, regardless of party affiliations, came together at once, organized into a committee and tendered their services to the wounded officer, their leader (opposed to Williams politically) proposing to give a personal pledge and to become individually responsible for any harm that might come to him, only to have their reasonable request denied. But from the mountains came men who were in an ill mood and they were chosen as the trusty guards. No information could or would be imparted. Failing in their efforts to become his protectors, the committee strongly insisted on knowing the nature and seriousness of the officer's wounds. A friendly physician finally gave out this statement in substance: There are two holes in Williams's coat, one in the left sleeve, corresponding with an abrasion on his arm, the other is in front opposite a dent in his belt buckle and a bruise on his abdomen; there is also a hole in the crown of his hat. This served to quiet their fears.

"A pebble may turn the course of the mighty river." Ears are sometimes concealed in unsuspected places. And "He that planted the ear, shall he not hear?" Yea, verily.

Some months previous to the events narrated above, four young men, Thos. A. Boyd, W. A. Wadlington, lawyers, John W. Butts, and the writer of these chronicles, had organized a prayer meeting band at Dover, the county seat. Butts, who was an expert cabinet maker of Abington, Virginia, was employed to make the large walnut bookcase in the court house. Wadlington was the confidential friend and legal adviser of the county

officiary. At the close of the day on Saturday Butts called at the home of the leader of the band and informed him that he should leave town early on the following morning, and that before going he felt it to be his duty to communicate an important secret to his friend. Butts's story was substantially as follows:

"I was inside the clerk's office fitting a door when Hickox, Dodson, Stewart and others entered, closing and locking the door behind them, and began at once the discussion of certain secret plans. I was an unwilling listener as well as a prisoner there for three hours,—its a wonder that my hair is not gray this morning. Dodson has sent in a request for permission to organize and arm a company of militia, and the request will be granted by the governor. A company of men will meet early on Monday morning under the command of Dodson and will march to the home of Williams and set him at liberty. (For three days the officer had been a self-constituted prisoner in his own house). In the afternoon they will raid the town of Dover, arrest Young, Hogins, Poynter and others, whose names are on their 'black list,' which was made up in their secret conference. They intend to clear the county of all opposition to themselves, by means of imprisonment or otherwise, as exigencies may suggest. Wadlington, knowing these things, sends a special message to you not to be in town on that day. Hickox, he said, has been to Dardanelle and, at the point of a revolver, had forced the editor of the paper to reveal the name of the author of certain articles reflecting on the management of affairs in the county. Your name is marked to be disposed of."

During the closing months of the Civil War, Dodson had under his command, as major in the volunteer army, a battalion made up principally of mountain men. It was this command that, on a scouting expedition, charged the home of William Reynolds, a fellow Mason, fired their pistols into the air, shouting "Bring out the traitor and hang him." The major dashed in through the gate flourishing his pistol, and in tones that bespoke his purpose, informed his brother Mason that "the end had come." How Reynolds escaped his vengeance is known only to those who are of that secret order. On the same raid the major's own lodge was broken into, its silver jewels carried away and its curtains torn into strips with which to garnish the bridles of his men, all because Jack Hale and other members were "Confeds."

From the foregoing it is easy to see that when the militia was ordered out Dodson's old command would be convenient, ready and trustworthy,—and none others, save a few. Many of the best class of citizens volunteered to be peremptorily rejected. Be it known, once for all: Some good men of the

Union party had enrolled in the company, not knowing perhaps what they did; *but was there a single man of opposite political views found among them?* Would that the answer were affirmative.

In the afternoon of Monday, at the head of thirty men, Dodson and Hickox marched into Dover without opposition, having rescued the imperiled Williams, and having under arrest Jack Hale, his son William, and Lib West, as participants in or cognizant of the attempted assassination of the deputy. No man in the county had a better standing than the elder Hale. He was incapable of a mean act. Williams could have rested securely, and should have been composed, under his protection. Hale was too influential to be left undisturbed. To fasten so dastardly a crime upon him would be to gain a strong point, to accuse him was equally important.

In the meantime Butt's secret had been made known to those who were immediately and vitally concerned, and they had supposedly left town, but in reality had only withdrawn from view and were ready and waiting for any emergency. A dozen young men, well armed and friends of Young, had concealed themselves beyond "College Hill," six hundred yards from court square, and if their leader, by common consent, should be arrested and a movement made to carry him away, these bold followers were to prevent it. Frequently the message came through a lad, "Shall we come?" to be answered, "Not yet." Perhaps if they had not been restrained and permission given, the matter had ended then and there. It is true that Young's friends were outnumbered three to one, but "the battle is not" always "to the strong," neither does victory turn, in every instance, upon "the heaviest battalions." A small rain on the night before the final struggle lost to the French army Waterloo and changed the map of Europe.

Before departing Young, who had been arrested, was released, and Joe Tucker taken into custody. What the reason was for this action was never known. The company left Dover in ample time to reach Russelville before dark, had the leaders so desired. But after marching seven miles to Shiloh church, a halt was ordered that all might rest. There the command re-

mained until night had well set in. Before resuming their march in the darkness an advance guard had been sent forward. On reaching a point about a mile south of the church, a volley was fired from a thicket a few yards from the road side, which, strange to relate, harmed no one. Jack Hale averred that the guns were fired into the air. This volley seemed to be the signal for the officers and men to turn their guns, not upon the party in ambush, but upon their prisoners. Joe Tucker and William Hale fell from their horses, the former killed and the latter mortally wounded. West slipped from his saddle and escaped in the darkness. Jack Hale, mounted on a powerful horse, was riding by Hickox's side. When the firing began Hale's horse reared, wheeled on his hind feet, knocking down the horse ridden by his companion, cleared a way for himself and bore his rider safely away. Hence, in the reigning pandemonium, Hickox did not get a second shot at Hale,—the first did him no harm.

The following account of this tragedy is taken from an article which appeared in the *Arkansas Gazette,* and reproduced in the *Memphis Appeal,* September 18, 1872, the author of which "was employed and trusted by Hickox as his deputy up to the time of his death, and is vouched for by many Republicans:"

"After the official council was closed at Shiloh church, Hickox, Dodson and Stewart being the official council, eight or ten of the posse rode off under the pretense of getting forage, went down the road toward Russellville to a place designated by the council and there secreted themselves, with orders to fire their guns into the air just as the posse got opposite to them. The signal to fire was 'Dark as Egypt!' given by one of the posse; Dodson replied, 'Egypt has no eyes.'

The author of the article, who got his information from Hickox, his chief, to whom he,—the author,—was his trusted deputy, further says:

"After the shooting the posse laughed and talked, riding up and down the road and singing 'The Union forever.' Just before leaving, Dodson found that Joe Tucker was groaning and not dead, and walking up to him, saying, with a horrid oath, 'Now I've got you where I've wanted you for a long time,' and shot him over the left ear."

And further:

"Dodson had taken Tucker from the bosom of his weeping wife and group of little children in Dover only a few hours before this, pledging his honor as a man and a Mason, to that poor wife, that her husband should not be hurt."

Jack Hale returned to Dover, arriving there at midnight, and reported the affair to Captain Young. At daylight next morning Young, at the head of a column of forty or fifty chosen men, left town, hoping to overtake Dodson at Russellville. On their arrival at the scene of last night's murder they found the body of Tucker where it had fallen, with Lewis Williamson, an aged negro, keeping watch over it. Hale had been conveyed to the house of Mr. Wright near by, where, after lingering some days, he expired.[3] A messenger from Russellville informed Young that the posse had dispersed and that the leaders were hurrying on to Little Rock.

Returning to the Shiloh church with Tucker's body, which was laid on a seat, Young with his men formed a circle around their dead comrade and entered into a solemn covenant to give their lives, if need be, for each other, and for the protection of the country, their homes and families. This band of stalwart men, the flower of the county, and equal to any emergency or crisis, were not mere blusterers; the pledge was made to be kept and the solemn conditions were intended to be met later. At fearful cost, the true intent and purpose of the officers were now clearly revealed.

"Behold what a great matter (or great wood) a little fire kindleth." The spark had been dropped when Williams' hat and coat were shot; thereby the blaze had been kindled; the wood was on fire; God and fire do not respect persons; he who casts his victim into the flame may himself be consumed. Water was the need of the hour,—who should bring water? We shall see. Many there were who would add fire or supply fuel; but fire never quenched its own flame; it dies only when there is nothing left to be consumed. The hope of these incendiaries was, to see the blackened ruins of a whole county, or their supremacy acknowledged.

About the time the sun arose upon the scene next morning Stewart returned, looked upon the pallid face of Tucker,—such is Uncle Lewis's report—and turned away, seemingly sad. This was "the praying man." Later he sought safety in flight, escap-

[3]Note: Hale's ante mortem statements corroborate those referred to above, as made by Hickox's deputy.

ing by the "skin of his teeth," the only one of the "big four." One can not flee from his conscience.

The officers reported to the governor that an unsuccessful attempt had been made to rescue the prisoners and that they were shot while trying to escape. The arrest and killing of these men, for what cause has already been suggested, wrote the death warrant of their slayers. Other men could kill, too.

Representative men of the peace party in the county followed on to Little Rock to present the other side of the question. The result was a *quasi* peace compromise. Dodson retained as many men as he chose as a *posse comitatus*. This company attended the sheriff at all times and places. Meanwhile Hickox betrayed neither fear nor anxiety, but rode when and where he chose. It was evident, however, that the fires were only "banked." A sense of unrest was apparent everywhere. Tucker's death had not been effaced. Jack Hale, being a Christian man, was not controlled by a retaliatory spirit, but Lib and Perry West, brothers, had seen the dead body of their father cremated in his own burning home in Missouri, by the act of jay-hawkers. These men, full of hatred and seeking revenge, were neighbors and friends of the younger Hale. Besides a mock arrest of the leaders and their requirement to make bonds for the unlawful killing of Tucker and Hale, as well as their defiant attitude to civil law and its processes, did not offer a single hope of a final peaceful solution of the vexed problems.

By persistent efforts on the part of the conservative men of both parties, representing the best element of the county's citizenship, the evil day was deferred until August 31, 1872.

Late in the afternoon of that day the principal actors in the drama, Hickox, Dodson and Williams, rode out of town together. Passing a carpenter's shop on the outskirts and seeing W. H. ("Harry") Poynter working at his bench, Williams reined his horse to one side, drew his revolver and fired point blank at the carpenter. Screening himself behind the door, Poynter seized his gun and fired at Hickox, who was nearest to him, the charge of buckshot striking him in the head and face, killing him instantly. Poynter deliberately walked out and aimed the second barrel at Dodson; in drawing back the hammer the cap was

removed and the gun "snapped." He then drew his revolver and fired several times at the fleeing officers, but succeeded only in maiming Williams' horse, which was abandoned, his rider escaping on foot. Dodson was unhurt. This is the substance of the evidence given before the examining court and accords with the statement made by Hickox's deputy, who was an "eye witness," and printed in the *Arkansas Gazette* at the date already referred to.

Thus Wallace H. Hickox sacrificed his life on the altar of greed and ambition, and for a cause unworthy the man. No truly brave man can be wholly destitute of moral qualities and the nobler instincts. The charge of cowardice had never been alleged against Wallace Hickox. A worthy cause would have entitled him to knighthood. But the nobler traits that attend upon true courage had been dwarfed by hatred and he became an easy prey to the lust of gain. What character, however, strong, is proof against either of these forces singly? In combination they drive irresistibly on to a fatal termination. Once in mid-stream, Hickox's doom was certain.

The die was cast. The plea of ability to keep the peace would no longer avail. The state authorities, as matters were represented to them, were restricted to one course. The peace and dignity of the commonwealth had been grossly insulted, hence to place the county under martial law, and order out a regiment of state guards became, apparently, a duty. Besides, some high in authority in state councils wanted to try their hands a second time in crushing out a rebellion. "The tiger had tasted blood," which only whetted his appetite for more blood. "Rebel" blood was sweet to some palates. A majority of the citizens accepted the inevitable. Had the question been submitted to them they were able and willing to work out a peaceful solution. Their voice was hushed. Only those who had proved their loyalty were permitted to join the forces ostensibly to preserve peace and order. Who had been more disorderly than many of these? It was not to preserve peace, but to make war, that these men were organized, some of whom were skilled in the art. Honorable exceptions there were, and that honor, by right belonging to many Republicans, was not

tarnished at the close of the strife. Captain John Herriott of Independence County collected and commanded the colored troops; the "Boston" (Ozark) Mountains furnished most of the whites; there was, also, a worthy contingent, the "governor's guard." In camp there was little distinction between white and colored—the level was common to both.

Adjutant General Upham was placed in command of the whole body, which numbered seven or eight hundred men To resist now was to invite certain disaster. The eye of the Federal government was turned upon the scene, and its arm was ready to strike. There was no medium through which the truth could be communicated to the powers that were in control. The proclamation had been made to the world that the county was in a state of insurrection, that the civil authorities were not able to cope with the situation, and that martial law and state troops were the sole remedies.

A more intolerant man and one more densely blinded by prejudice than the adjutant general could not have been found. If peace and order were the objects he was not fitted for the delicate task; his spirit was riotous; he advocated "judgment without mercy;" his iron hand was made to crush, and it never failed of its purpose; "no rebel,"—they were rebels still—"was fit to live," in his esteem. This was his estimation of the honorable men over whom he was appointed to rule. Thus suddenly the war cloud gathered and hung ominously over the county, moaning as when the tornado is ready to swoop down on its mission of destruction. What held it in restraint only God knows.

On assuming command of the military forces, General Upham issued a general order (a copy of which the author has not been able to secure) forbidding the bearing of arms, commanding armed companies to disband and disperse at once, calling upon the entire citizenship to aid the military in the preservation of peace and to return to the peaceful pursuits of life. That pompous order was little less than farcical. There was no practical resistance to the civil authorities; only a certain chosen class, many of whom were non-residents, had a voice, and their speech was not favorable to peace—"they counseled war." The

order meant at bottom menial submission and humiliation of a higher class to a lower, and that to be enforced by bayonets. Scores of men, Scott, Embry, Reynolds, and even Young, could, and gladly would, have quieted the turbulent elements in forty-eight hours. Hogins, exchanging places with Dodson, would have commanded peace, and obedience would have been instantaneous, and that without the aid of an armed force. These men must slavishly submit, remain silent, or go to prison (which meant going to death, as had been demonstrated in more than one instance), during the pending crisis. By consulting with this class of men,—the list is only partial—or taking them into his confidence, the governor could have maintained order and enforced the law without resort to a menacing armed force, under men despotic in their nature.

Governor Hadley was not in sympathy, we may suppose, with the spirit of oppression as exhibited by Upham, but Hadley was not free to follow his better instincts. He had been defied by Dodson who had said "To h—l with the governor's orders." There existed a power at the national capitol which overawed the chief executive and compelled his homage. Upham was not that power; he was the willing, voluntary agent in its hands, with all authority to execute its purposes. For forty years, yea, more, its iron rod has ruled in a partial way—once all the way—and the rod is not yet broken. Thus, at that time, a veritable Nemesis presided over the people, who was superior to all state authority and not responsible thereto, because his seat was secured by the national government. What he willed and ordered was not questioned, and the Federal arm was at his command. By him men were exalted or abased. As the king of Babylon once said of his chief city and the Euphrates, "These are mine; my hand has made them." Just so might the Honorable Powell Clayton,—his name is written because this is history,—late United States ambassador to Mexico, have said: "This is my State." His still, in a greatly modified sense, that is, in his relation to the Republican party.

Very soon predatory bands, under the milder name of scouts, were sent out in every direction seeking what they might devour. These excursions were not limited to the boundaries

of the county, but frequently extended into the border counties. Reynolds' store at Atkins, twenty miles distant, was raided by one of these bands, boots, shoes, hats, dry goods and groceries "appropriated," his desk broken to pieces and his books mutilated, leaving him a bankrupt. Across the line in Conway County, Thomas Hooper, a planter, and highly respected citizen, a man of past middle life, was arrested, tied on his horse, led into the bottom and shot to death, to gratify a long standing grudge perhaps. The horse, a gray, escaping returned home bespattered with blood. The widow and children gathered about him, where a scene followed that can not be described. This scene planted the germ of vengeance. In some mysterious way, Honorable John M. Clayton, a gentleman of unquestioned honor, seems to have been associated in the mind of some one—did he know one Clayton from another?—with this tragedy and lost his life as a consequence. Powell Clayton wielded so powerful an influence in the State in those days that he gained the title of "Boss," and the regiment was dubbed "Clayton's Militia," hence the regiment was, and ever will be, indissolubly associated with the name of Clayton.

The rotation of seven years had brought again the opportunity to "devour the fat cattle." All restraint had been removed, the "lean cattle," hungry and eager, rushed to the feast, but were not nourished thereby; on the contrary, they remained poor, lank and hungry. Ill gotten gains are not nourishment, but poison. Military power was "up against" a hard proposition. The kind of men to be subdued, if considered at all, was misapprehended.

EVENTS IN THE INTERIM.

John Williams, deputy in chief to the sheriff, with a posse of twenty men, seeking Lib West to arrest him, found him with two companions. In the fight which followed, the West party being victorious, Williams was shot in the mouth and sent to Little Rock where, after weeks of suffering and keen mental anguish, he died of his wounds. (See confession on page 198.)

Young, about whom a few friends had gathered, had challenged Dodson, the conditions to which were as follows: "Pick thirty men, yourself included, and send the rest away; I will select six men, myself included; we will meet on the public square in Dover and fight it out." To this reasonable request, made in good faith, there was no response.

That General Upham was, at one time, in imminent danger of losing his life, escaping only by fortuitous circumstances, is a fact well known to some. On one occasion, his being seated near the proprietor of the hotel at which he boarded, prevented two young men (now deceased) from firing upon him with heavily charged shotguns at close range in daylight. One of these was heard to say afterward: "I could have hit his eye." This was not an idle boast. No night passed that some refugee was not in town, seeking information, and there were many tongues to whisper it, as well as many hiding places.

But an event of greatest significance which, like many others, leaked out, how and when the military power did not know, was the meeting of the Union League. This league was a patriotic club, or organization, that was always ready "to preserve the Union," and to work for the increase of pensions.[4] The league met in a Methodist (North) church, a few miles out of town, to consider the state of affairs and to discuss the best means to be employed in meeting the prevailing conditions which were already grave. Practically the same element was present that participated actively in the celebration of the 4th of July. There is, however, an important exception: Three new members had joined, one of whom was a minister and "Hickox's trusted deputy." (The author of the articles in the *Gazette* already referred to). This man, in order to evade most serious charges in another church, had withdrawn from that communion and was most heartily welcomed to the ranks of the loyalists as a valuable member. Being an extremist and a master of the art of debate, this gentlemen was ready and amply qualified to

[4]The writer knows a "pensioner on the bounties of the government" who served for a few months in the United States volunteer army; when the war closed he took up fox hunting which, it is alleged, brought on an attack of inflammatory rheumatism for which he has received the princely sum of forty thousand dollars, with "more to follow."

play an important part in the new role. The following resolution, in substance, was introduced and ably championed by the new recruit, viz: Resolved, That it is the sense of this meeting that the town of Dover should be burned at the earliest practicable date, and that a committee be raised by appointment or by volunteering, whose duty it shall be to put this resolution into effect." The resolution was lost by only two votes, according to the report of two of the members present. Of these movements certain men soon had full and accurate knowledge. If Caesar had his Brutus and Washington his Arnold, the Union League of Pope County had its minister. What gold cannot buy cannot be bought. "All that a man haveth will he give for his life," has not been annulled.

October is half gone. Work has been suspended since July, neither has any business been transacted in Dover, and but little elsewhere in the county. Crops were ready for the gathering, but the citizen-farmers were afraid to return. Evidently the county, especially the towns, were facing a crisis. The stores and many of the private residences were forcibly occupied by the officers. A notable example of this is seen in the action of Captain Herriott. Driving Mrs. Alice Young, mother of Captain Young, from her home, he, with his negro subalterns, took possession of the same, stabled his horse in her smoke-house, burned the yard and garden palings, and on leaving broke the window glass.

Bankruptcy awaited many merchants, of whom Young was a leading one. Credit had been freely extended and bills were due from many of the men now in arms and ready to shoot their benefactors. A storm was gathering. Already the thunder had spoken in low, but increasing tones, the lightning blinked in the sky, while fitful gusts of wind whirled the dust. By what means, or how long, the storm could be stayed no one knew. One thing was certain: it would break. To dally or delay was to lose. "We will try another appeal to the powers that be" was the decision of the cool heads. If it failed of its purpose,—it might succeed,—the citizens would be set right before the world. Reporters for the metropolitan press had been attracted

to the scene and publicity was possible. Evil men hate and avoid the light. Accordingly John R. H. Scott and William Reynolds were sent to Little Rock, going by devious routes to avoid prying sentinels, as the representatives of the peace party, to present the tense state of affairs to the governor and to urge the appointing of conservative men of both political parties as peace commissioners. On arriving at the capital, Scott went to the office of Clark & Williams, prominent attorneys, to advise with them; Reynolds went to the state house to interview the governor whom he found in consultation with Upham and others. The general met the peace-man with a glare that boded evil. "What is your business here, sir?" Upham demanded. "My business sir, is not with you, but the governor," was the cool reply. "You're from Pope County. Any business with the governor relating to the affairs in that county is *my* business. I demand that you state your business in my presence," was the retort. "Very well, then," Mr. Reynolds said, "I am here in the interest of peace and to save your men from slaughter." "Peace, indeed! There'll be no peace until some of your leaders are hanged. It's folly to talk about it. There's armed resistance to *my* authority. As to saving my men, I'll see to that. Begone, sir, and I warn you not to be seen about here again." There was nothing left but prompt obedience to the mandate of the officer. Had the two been left alone the peace man would have been more than a match for his adversary. In the meantime, under great embarrassment, and deeply chagrined and agitated, the governor (Hadley) had withdrawn and was awaiting the mortified commissioner in the hallway. In a few hurried words Reynolds was requested to call at the governor's private residence after supper. Hope still reflected a feeble light. Though dim, the star had not retired from the firmament. Being freed from Upham, Hadley greeted the commissioners cordially, gave close attention to their representations and entered heartily into their plans, explaining at the same time his inability to aid the people hitherto. "Now, gentlemen," said he, "the day is dawning. A reporter for the *New York Tribune,* Mr. Greeley's paper, has gone to your county, with my permission, to get the bottom facts in the case and they

will be printed. This has greatly disturbed Upham, and those behind him, for they fear these reporters, as all men of evil deeds fear the light." The result of the conference was that the governor and two conservative republicans, men of ability and fairness, with Messrs. Clark & Williams, composed the "peace commission" who were to visit the county at once. On bidding them adieu, the governor cautioned Mr. Reynolds to leave the city at the earliest moment. "General Upham," he said, "is in a rage and may have you arrested and thrown into prison; if so, it will go hard with you." The Nemesis appears again at this juncture: Defiance meant to the (acting) governor the loss of his official head. Could he not make and unmake rulers at will?

To revert briefly to the county: Young, whose rendezvous was in the mountain some thirty miles north of Dover, had collected two hundred men about him, well armed, mounted and of stern, inflexible purpose. It was definitely understood that preparations were being made to drive the militia from the county and to accept the consequences. Conditions could not be worse in so far as person and property were concerned. Experience had clearly demonstrated that United States soldiers under the command of officers of the regular army, were to be preferred before militia, composed as it was.

In addition to the force above mentioned, Major Newton, a guerrilla fighter of note, daring to the last degree, was on the way from Boone County with sixty men. On joining Young the entire force was to be placed under Newton's command. The plan of attack, as it was made known afterward, was thus: At nine o'clock p. m. the regiment would respond to roll call, leaving their guns in the court house; at that moment Newton's command would charge from the north and northeast sides of the square. Everyone of Newton's men was armed with a double barrel shotgun and two or more revolvers. These men had been held in restraint until their patience was exhausted, and the battle might be fought at any time. However, it was not probable that preparations would be complete before Sunday night. Of the character of these men, the reader knows that

already. It may be added: They felt like men feel who have been driven from home and their property destroyed without a just cause,—strictly, for no cause.

At three o'clock on Saturday afternoon Reynolds arrived at Morrillton where he found Young's messenger, young Linton, in waiting to learn the success or failure of his mission. "Go," said he, "and tell the boys for God's sake not to move. A peace commission will come from Little Rock tomorrow, headed by the governor, and Colonel Clark will meet them at Scottsville in the afternoon of Monday. Everything has been satisfactorily arranged. If your horse fails, hire or take another. All depends upon your reaching them in time to stop them."

The distance, on an air line, was not less than sixty miles and the route over mountains and across creeks; the time in which to cover the space about twenty hours with night intervening and the way unfamiliar, and the task belonged to one man upon whom the destiny of hundreds depended. Should he get lost among the mountains, or become disabled, or should his horse fail between widely scattered houses along the way? What power should decide? Fate! No, let God have the decision. Some would escape; not half, perhaps. More than human life in a temporal sense was involved. But it would be idle to speculate. "All men have not faith."

Let us pause here a moment. What of the man who bade the messenger ride? The hard earned savings of a life of honest labor swept away. The man who had said to Dodson eight years ago, when he looked death in the face unmoved, "Do your worst, I do not fear *you*." The man whose name had been marked to be "disposed of by imprisonment or otherwise," now had his enemy in his power and—saved him. That such a man should say in the final farewell, "I shall quietly slip away, but you know where I am going,"—this, to the writer, is not a marvel. Heroes are not conscious of their heroic deeds: God keeps the record.

What of the rider? He is speeding on over mountains, while the peaceful midnight stars smile upon him. Duty supplies its own strength to accomplish its designs. Paul Revere

rode for his friends, this horseman rode for his enemies. Was there not a hand that restrains, and an unseen presence, with whom there are no crises, who supervised every movement? It is pleasing to think so, yes, to believe so.

On Sunday night, the night preceding the coming of the peace commission, a company of the regiment of militia rode out of Dover on the road leading East. When they had reached a point a mile out they claimed to have encountered a company advancing on the town. After rapidly firing their guns and shouting for some minutes they retreated at full speed and reported that the enemy in full force was upon them. On close examination it was found that all the bullets had marked the trees on one side only, that none came toward them. No one on their side was either killed or wounded. The reader is left to his own conclusion. The peace commission was on the way; they must be impressed.

The coming of the peace commission seemed to say to the troubled waters, "Peace, be still," and "there was a great calm." Governor Hadley addressed a large company of citizens, assuring them of his sympathy in their suffering and exonerating himself from personal blame in the matter, and that he had acted solely in keeping with the information at hand. Captain A. S. Fowler (now Colonel Fowler) of Little Rock, became sheriff by appointment from the governor during Dodson's suspension pending an investigation of the Shiloh church affair. Dodson protested against the governor's action and appealed to the courts. Although under arrest, neither he nor Herriott ever gave bond, both ignoring the authority of the governor in that respect. Poynter was arraigned before the court for killing Hickox and was acquitted, chiefly on the evidence given by his deputy. The militia was disbanded, Dodson retaining a few men as an escort for his personal safety. In a partial way, business was resumed. Thus auspiciously began what promised to be a new order of things. Fowler met with intelligence and fairness every responsibility imposed by his office. Social, genial and an athlete, often wrestling or boxing with men of the opposite side, he won many friends and had the confidence of all classes. Would that the record might end here. The

writer of history may not, as the writer of fiction, cause his story to end as he and his readers would have it end. He must, if honest, follow the track of events whithersoever it may lead.

In all of his seemingly well laid and carefully wrought plans, Dodson had been defeated. By this defeat he was chagrined and longed for reinstatement. Having played a losing game his supreme desire, like the gambler, was to retrieve lost prestige. This desire was consuming in view of his waning leadership; he could still rally the "old guard," who had not lost faith in him, and try his hand again. But unknown to himself, the leader of men, born, we may hope, to higher destiny, was in the mighty, silent current that swept on. "There is a sin unto death," the consequences of which (sin) are sure. Although deathward bound, he seemed wholly unconscious; at least he manifested no concern. No man shows anxiety under like conditions. God denies a last chance to no man.

Herriott was retained and still had a place near his chief. Such a man, persistently insolent, pertinacious as a bull dog, of extraordinary courage, was needful to Dodson now. The inspiration of Hickox no longer strengthened his purpose; hence a baser man and the only one available, one who "neither feared God nor regarded man," must take his place. Perhaps this is a part of a higher plan divine. To attempt to live, surrounded as he was with his record, was to invite death or defy it. True he was daring, physically strong, with the qualities that make the desperate man fully developed, but he was scarcely a match in daring or strength to another present character,—one to whom "Aunt Alice Young" had been the only mother he had ever known. She had been insulted. An insult to her, to his foster mother, was to nerve his arm to strike, if additional nerve was needed. The daring and endurance of John F. Hale, if unattested, would be declared a myth. Meeting a young Indian brave on a lonely pass in the mountains of California, from whom he had received an insult, Hale slew him, carried him three miles on his horse, threw him into a river, escaped to the coast pursued by Indians, sailed down to the Gulf of California, rode across the plains alone to Texas where he joined the Confederate army. It was he who said to Governor Baxter: "Let

me pick thirty men from my company and I'll promise to take Joe Brooks out of the state house and hang him before breakfast in the morning." Had Baxter given permission the promise would have been kept.

On the morning of February 16th, 1873, this man (J. F. H.) walked across the street from his run-down store in Dover. Circuit court was in session and it was evident that Dodson would win over Fowler, which meant that the Dodson-Herriott regime would be fastened upon the people again. Meeting two friends, Hale said: "This thing has got to stop. I've lost everything and can lose no more. The men who robbed me are in power and will continue to be. Herriott insulted Aunt Alice and refuses to apologize. Both of us can't stay; it's a question as to who shall go—I'm not going; I've the right to stay. Say the word and go with me and we will end it now." Upon their refusal he continued: "Very well, I can go alone." Entering the sheriff's office where he found Herriott, Hale addressed him in words of the same import of those spoken on the street, closing with this demand, "Now go to Aunt Alice, apologize to her and pay her damages," which was refused in terms that will not bear printing. Whereupon he was seized by the collar, led to the door where he received an open hand blow from Hale that felled him in the yard, the striker saying, "You dare to say you'll see her in h——l first." Crowds from the streets rushed in, while the officers rushed out through doors and windows. Herriott, while trying to regain his feet, made an effort to draw his revolver, when a voice cried from the crowd, "John Herriott, don't pull that pistol." At that instant a shot was fired which broke his right arm. Changing his pistol to his left hand and when in the act of firing, the same party, it is said, fired a second shot. The officer sank back, gasped and died. Fowler, it is said, was an eye witness to the tragedy.

About dark that evening two young men (presumably the one who struck the blow that felled Herriott and the one who fired the fatal shot) rode out of town, going in the direction of Perry's station which, at that time, was the western terminus of the Little Rock and Fort Smith Railway, and located three miles east of the present town of Atkins. Arriving at the station near midnight and securing their horses at a convenient place, the

young men advanced to the platform to find Dodson in the midst of some twenty friends, whom he had gathered enroute. Although they sought an opportunity to slay the sheriff and would have done so, surrounded as he was, but none offered. The train would depart at three o'clock a. m., so the two withdrew after mingling with the crowd for a time, and had a consultation: One of them should conceal himself under the station platform; the other should crouch close to the car wheels on the opposite side; in an emergency they were to follow their victim into the car, do their deadly work there and risk fighting a score of men, if fight they must.

A single kerosene lamp, smoked and dingy, with half a chimney, flickered in the little office, as if it labored in sending out its feeble rays into the surrounding gloom. The men, like phantoms, passed to and fro along the uneven platform, often stumbling in their walks, and talking in subdued tones. We may reasonably imagine that the shadow of the coming event that was to terminate a life which, for eight years, its energies at one time devoted to the success of the "lost cause," now a deserter, had been the admiration of some and the dread of many—the end, too, of a war that had arrested progress and for six months had "held up" a whole county, i. e., from July 8th, that this shadow had cast itself over all, in or around the little station in the deep and dense wood.

The time had come. The engine at the head of the train seemed eager to draw away from the scene. Awaiting the swing of the conductor's lamp as the signal to go, the engineer, with his hand on the lever that opened the throttle valve, looked out into the darkness. On the edge of the platform stood the doomed man, giving his final instructions to the few who still believed in him, telling them to "stick together," that the war would be renewed, and that he would come back with more troops. Meanwhile two pairs of eyes, aflame with murderous fires, were glaring upon him from beneath, and two cocked revolvers, gripped by steady hands, were ready to speed their missiles of death. Dodson, stepping almost across the crouching form below on to the platform of the car, turned and said, "Give Rial," an old negro, "his breakfast." Then came a flash followed by a stunning report, only one. Dodson fell forward

into the car, his pistol, which was in his hand, flying to the further end of the car.

"And he lay a-dying."

Although the ball struck at the waist line, ploughing through the whole length of the body and coming out at the collar, thence passing through the roof of the car, such was the marvellous vitality of Dodson that he lived fifteen hours, expiring at the home of Mr. Charles Lewis in the afternoon of February 18, 1873.

Following the death of Dodson, J. B. Erwin of Russellville, became sheriff by appointment, until fall, when an election was held and Joseph Petty, a Confederate soldier, succeeded Erwin. Reece B. Hogins was made chief deputy under Petty, who, by his daring in arresting single handed and alone two of the county's most desperate characters, the Hollands, demonstrated his courage and became a terror to evil doers and the trusted friend of the people.

Thus the fearful cataclysm that had been devastating the county was stayed and the blessings of peace followed. Strange indeed, it is, that peace should come in that way. But peace came.

John Williams' Confession.

The careful reader has had the suspicion raised in his mind that Williams, or some friend of his shot his own coat and hat. The following is his ante-mortem statement, in condensed form, as printed in the *Arkansas Gazette* and *Memphis Appeal* at the time of his death, the author of the letter being Hickox's "chief deputy."

Williams, with two companions, went to the woods, buckled the belt around a stump and fired a bullet against the brass plate; they hung up his coat and hat and shot holes through them; then they made slight wounds on his body. Returning home about dark, and while the hired man fed the horse he (Williams) went behind the crib, fired three shots, groaned aloud and sank down. The hired man saw two men run away; these were his companions. This was a part of the program arranged at Little Rock and perfected at the celebration on the 4th of July. At this date it was supposed that some young men from Dover were in the mountains, near Williams' home, hunting and fishing, and that suspicion would point to them, but they had returned the day before.

Sources of Information.—The writer was an eye and ear witness to most of the scenes recorded; personal interviews with old residents; daily papers of the period.

CONFEDERATE MANUFACTURES IN SOUTHWEST ARKANSAS.

By H. B. McKenzie.[1]

The story of Confederate manufactures in southwest Arkansas, if confined strictly to manufacturing for commercial trade, or public trade of any kind, can be briefly told. With very few exceptions there were no factories or manufacturing plants worthy of the name in south Arkansas during the war, aside from some minor branches of the Ordnance Department of the Confederate army.

Questions of economy were confined to homesteads or plantations instead of to districts or to states and a striking lesson, in the value of commercial intercourse, presents itself in the situation as it existed in Arkansas during the war and immediately following it. Each plantation in nearly all cases consumed what it made and made what it consumed. In doing this, naturally a great deal more time and labor were employed to provide food and clothing for the people than would be necessary where a number of people are engaged in manufacturing and trade. If a man made a pair of shoes it was necessary for him first to tan the leather and perhaps make his last and other tools. If a tailor made a suit of clothes he, in many cases, had to make arrangements to have some one weave the cloth and spin the thread before it could be done.

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[1]Hon. H. B. McKenzie of Prescott was born September 17, 1877, in Nevada County, Arkansas. His early life was spent on the farm and in the rural schools of his county. At seventeen he entered Hendrix College at Conway, from which institution he graduated with the degree of A. B. in 1898. He then took up the study of law and in 1900 was admitted to the bar. Locating at Prescott he has built up a good practice. Mr. McKenzie is a public spirited citizen and takes an interest in politics. In 1906 he was elected to the state senate. In the session of 1907 he in a short time won a strong place and was the author of some important measures.—Editor.

The work of producing the raw material, transporting it, reworking it or preparing it for the workman and manufacturing it into the finished product was often done by one man. He was not, of course, prepared to do all of these things to the best advantage, if, indeed, he was prepared to do any one of them well, consequently there was great waste of time, energy, and material. There was a waste of time because of the lack of preparation and equipment for one man to do the work of so many different occupations. There was waste of labor because labor suited to one class of work was, of necessity, employed in different kinds of work for which it was untrained. There was waste in material because in such a crude manner of making anything more material was consumed than necessary and for lack of a market for any over production the manufactured product itself may have been subject to waste. This was not true, however, except in cases of food products and perishable articles. This idea is not worthy of emphasis, however, during the Civil War of Arkansas. Notwithstanding these conditions there were a few factories and a few trades deserving mention under the subject of manufacturing in southwest Arkansas during the Civil War.

SALT.—By far the most important and practically the only point where salt was manufactured in south Arkansas is Arkadelphia. Tradition has it that the Indians made salt from water flowing from springs. Saline water can now be secured near Arkadelphia by digging for it.[2]

Some time prior to the war, it is said that a man by the name of Rogers was digging a well about three miles north of

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[2]The Gentleman of Elvas, a companion and historian of De Soto, records that the Indians made salt along a river in south Arkansas. He has this to say of their method of making the salt: "They make it along the river, which when it ebbeth, leaveth it upon the upper part of the sand. And because they can not make it, without much sand mingled with it, they throw it into certain baskets which they have for this purpose, broad at the mouth and narrow at the bottom, and set it in the air upon a bar, and throw water upon it, and set a small vessel under it, wherein it falleth; being strained and set to boil upon a fire, when the water is sodden away, the salt remaineth in the bottom of the pan." See account by Gentleman of Elvas in Publications of Ark. Hist. Assoc., I, 484.—Editor.

Arkadelphia and found water which seemed to be full of salt. At various places afterwards saline waters were frequently discovered.[3] Officials of the Confederate government learned of the existence of salt waters near this place and thy began an investigation. Captain J. M. King, an officer in the Confederate army, was sent here to investigate the matter and superintend the operation of a plant for the manufacture of salt. M. S. Carpenter, also an officer of the Confederate army, who lived in this vicinity at the beginning of the war, was detailed to return home and build the works. These men built the works and remained in charge of them until the plant was abandoned near the close of the war. There were no salt springs here at that time, as there were when the first white settlers arrived, according to tradition, but an abundant supply of water was obtained by sinking wells to a depth of forty or fifty feet.

It was necessary to resort to some unusual sources to secure the material with which to build the plant for the manufacture of salt. A number of old steamboats which had been plying up the Arkansas River furnished the material for the big pans in which the salt water was boiled. The boilers were taken from these steamboats and cut open from end to end. After the flues had been removed, the boilers were rolled out flat. These sheets of metal formed the bottoms of the pans into which the water was poured and boiled. Four or five of these big pans were made and they formed the greater part of the crude salt-making plant.

F. J. Carpenter, a son of M. S. Carpenter, who had charge of the building of these plants, worked in them when a boy. He still lives at Arkadelphia and is practically the only man now

[3]Salt was manufactured in Arkansas long before the war, not only by the Indians, but moreover by the whites. Gov. Izard records that he leased salt works to Bean Bros. in northwest Arkansas in 1825, that they manufactured about 5,000 bushels a year and supplied at a moderate price all of that section. The lease was for three years, after which the government could take possession. He leased to Reese Price some salt springs on Deer Creek twenty miles north of Ft. Smith. He also promised his good offices to aid in securing a lease from the government on the application of one Jonathan Calloway of Clark County, "who has purchased the improvements of some salt works on the Washita Saline from Rick Posten for a valuable consideration." An application for a lease came before him from parties in Miller County. See Gov. Izard's correspondence in Publications of Ark. Hist. Assoc., I., 429, 452.—Editor.

living there who is familiar with the workings of the plant. Most of the other old residents of the city, who lived there before the war, were in the Confederate army and were absent from home when the salt works were in operation. Mr. Carpenter says that the making of the salt was a very simple operation. The big pans were filled with water which was kept boiling until all the water had evaporated. A layer of salt was then left in the bottom of the pan. This was shoveled out and the pan was again filled with water, the operation being repeated many times a day. Mr. Carpenter says that the salt was ready for use just as it was taken from the pans, and he declares that it was as fine salt as any that is sold upon the market.

Hundreds of tons of salt were made while the plant was in operation. The government used the salt in supplying as much of its army as could be reached from this point, and the remainder was sold to private persons. J. M. Ashley and G. W. Ashley operated some private salt works here in 1864, but they were also abandoned at the close of the war.

As near as can be determined, the salt vein from which these waters flowed is about three miles long, running along Saline bayou east of Arkadelphia. Salt water has been struck many times since the war in digging wells, but no effort has been made to utilize the waters. About seventeen years ago, a well was sunk about three miles east of the city and salt water was struck at a depth of three hundred feet. This water contained about sixty per cent. salt, it is said. About a quarter of a mile farther south, water containing an even greater percentage of salt was found, it is said. This was found at a depth of about four hundred feet. Salt water was also struck inside the city limits, when a well was sunk to secure water supply for an ice plant.

The Lake Bisteneau Salt Works in upper Louisiana, which supplied a great deal of salt in Arkansas, would not come under the subject which I have undertaken to treat.

Hats.—There were no real hat factories unless a man or a woman with such simple tools as may be carried in a single hand could be called a hat factory. Yet hats were made in

Arkansas. Among the most prominent who made a specialty of making hats are the following: Henry James, who is said to have come from Tennessee and who was in the battle of New Orleans under General Jackson. He lived about three miles east of Washington. Other hatters were William Head, who lived at Holly Springs, W. B. Turner, who lived in the vicinity of Magnolia, George H. Goddard, Camden, and many others. Some of these were skilled hatters in their day, having learned their trades in other states before coming to Arkansas. Mr. Head is said to have learned his trade in Alabama. Winter hats were made of wool and the furs of rabbits, coons and beavers. Blocks of various shapes and sizes were used on which the fur was worked by a continuous hand process until the hat was completed, the smoothing and rubbing requiring several hours. Before the fur was ready for the block, it was thoroughly mixed by means of a small bow with cat-gut or other tough string, similar to such bows as were used for flipping arrows. The bow was stretched and let go in the fur, thus mixing and cutting it to fine bits, after which a crude solution was made of the fur, the exact contents of which have not been learned. Many wool and partly fur hats were made on a basis of woolen cloth. Such hats were very durable and serviceable for many things besides head dress, if the Confederate soldier is to be believed. Such hats were worth from $6.00 to $12.00 and it is needless to say that there was always a ready market for all that could be made, especially near the close and soon after the war.

Straw and palmetto hats were made in great abundance, principally by women and children. Straw was platted into wide plaits containing five or seven straws, sewed together and formed either after the manner of basket making or on a block. Rye, wheat and oat straw was used principally. Beautiful and more durable hats were made of palmetto which grew in great abundance in the swamps along river courses and in low lands. The strips of Palmetto were plaited as straw and hats were made in any desired shapes, fancy bands and rims being made to suit the taste.

The gathering and preparing of the palmetto is not without interest in primitive hat-making in Arkansas. Only that part of the plant growing under the ground was used in making hats. The top of the plant was wound around a stick securely and by pulling and continuously turning the stick, the long blades or leaves of the tough palmetto were drawn from the marshy soil. After a quantity was drawn in this way it was spread out to bleach in the dew after the manner of bleaching linen. This process was often continued several days after which the blades were split and platted, the maker using fine or coarse shreds as the quality and style of the hat demanded.

The beauty and art displayed in the style and decoration of ladies' palmetto hats would be surprising to modern eyes. Rosettes and plumes and other decorations were made of the threaded palmetto curled by drawing the threads over the edge of a knife-blade or other sharp instrument and shaped as desired. The decorations were dyed with dyes made of sweet gum bark, sumac, red oak, polk berries and wild indigo where it could be found. Such hats are said to have been worth from $6.00 to $12.00 each. Mrs. Sophia D. Kannady living at Fort Smith, Arkansas, is said to have one of these hats. Very few hats or other articles of clothing made during the war are to be found anywhere at this time.

Cloth.—Three miles above Murfreesboro in Pike County, on what is known as the Clear Fork of the Little Missouri River, may be seen the remains of an old mill dam where the Royston factory was located. Fragments of wheels and the foundation stones may also be seen on the hillside near by. Royston post-office named after General Grandison D. Royston was located here, hence the name of the factory. It was owned and operated first by Merrill & McGill, but in 1862 John Matlock, a Camden merchant, bought it, giving Camden property in part payment and after its purchase by him was known as the Matlock factory. He operated a small factory, yet in its day was considered important especially in view of the fact that it was the only mill of its kind nearer than Camden and supplied the demand for all the cotton and woolen cloth and yarn for all the contiguous territory. Mr. Matlock manufactured a good

grade of white cotton goods, and a great quantity of yarn. He sold his products both retail and wholesale and would leave a supply of cloth and yarn with country merchants and make periodic visits for the purpose of checking up and receiving payments for the goods sold and furnishing a fresh supply. This was done, however, at a period after the war, his operations during the war being confined chiefly to the factory where people came from great distances to purchase cloth.

From a financial standpoint the factory could not be called a success. It was thought that the field of operation and the territory to be supplied would justify the expense incurred, but the day of the old spinning wheel and the family loom was by no means past, and about the year 1880 Mr. Matlock became involved in litigation and the factory was sold in 1885 to satisfy an execution levied against him, and after its sale it was moved to Arkadelphia.

There were few if any other cloth factories in south Arkansas during this period worthy of the name of a factory. Merrill & McGill also operated a woolen mill at Camden during the war. From all accounts, however, no extensive manufacturing was done at this plant. Mr. Merrill was a man of fine intellect and held positions of peculiar honor and trust during the Confederacy.

Mrs. Providence Cole, who lived at Fairview in Dallas County, made cloth in limited quantities during the war and sold to the people generally. She manufactured woolens, drillings, domestic and an imitation marseilles in various colors.

The manufacture of cloth, however, during the days of the Confederacy was by no means confined to such mills and factories as have been mentioned. The old fashioned loom and the simple spinning wheel, many of which are yet to be found in the country, played a most important part in the manufacture of cloth and yarn and without them many people would have suffered for lack of clothing. A detailed description of the loom would be of interest, but could not be given well without the aid of illustrations. The hum of the spinning wheel is familiar to many of us and carries with it some of the tenderest recollections of childhood.

Shoes.—Such shoe factories as there were in Arkansas in the sixties were in connection with the tanyards and as a general rule the leather tanned at the tanyards did not get far from the tanyards before it was manufactured into shoes, harness, etc.

Hodge's tanyard was located twenty-three miles west of Camden on the Anderson road running from Camden to Washington. The Confederate government collected hides and had them tanned here and sent shoemakers to make shoes for the soldiers. Long before the war people took hides to Hodge's tanyard and had them tanned into leather and made shoes. The business was expanded during the war. T. H. Lee, near Poison Springs, also operated a tanyard and made shoes. Daniel R. Winn, who had a tanyard, shoe and saddle shop, about two and one-half miles from Washington, perhaps made more shoes for Confederate soldiers than any other man in southwest Arkansas. His business was established prior to 1861 and was in operation until about two years after the war. He manufactured all grades of shoes and sold them at reasonable prices. Mr. Winn afterwards established the Winn Hotel at Washington, a noted hostelry of its day. Later he had a hotel at Hope where he was killed by Nick Gains. The foreman of Mr. Winn's shoe shop was Dan Hunt, a noted negro who, after the war became prominent in the Republican party.

William Jones also had a tanyard in Hempstead County not far from Mr. Winn's place, which was in operation during the war, but was not so extensive as Mr. Winn's tanyard and shop. Rev. James Lowry of Washington was also a shoe and harness maker. A. J. Dunn had a shoe shop at Falcon, and there were one or two prominent shoe makers at Magnolia whose names have not been learned. I am unable to give a complete list of the tanyards and shoe shops in southwest Arkansas, but the foregoing were among the most prominent.

As to the character of shoes manufactured the principal thing that could be said about them is that they wore well. The testimony of many Confederate soldiers is that they had shoes which lasted, with ordinary care, for several years. It must not be inferred, however, that all the shoes manufactured at these primitive shoe shops were coarse or of inferior make.

Dressed squirrel skins, deer hides and coon skins were used in the uppers of fine shoes and in some instances cloth was used which, in the hands of skilled workmen, could be made into neat and comfortable shoes.

Branches of the ordnance department.—At Camden, Arkadelphia and Washington the Confederate government maintained branches of the ordnance department where supplies for the army were gathered and manufactured or repaired. Captain Polleys was in charge of the department at Arkadelphia where haversacks, knapsacks, cartridge boxes, bullets, powder, etc., were made. Lead was secured from Joplin, Missouri, and from the mountains of western Arkansas. The quality of powder is said to have been good. Charcoal, saltpeter and sulphur were used. Charcoal was easily obtained from wood and opinions differ as to the chief sources of the other two articles. Saltpeter was obtained, however, to some extent in the mountains of Pike, Polk and Montgomery counties and sometimes by digging up the earth in old smoke houses and putting it into an old fashioned ash hopper and pouring water over it. Saltpeter was made from the lye thus extracted. Such things as harness, guns, wagons, saddles and other army supplies were made and repaired. Captain Taylor as quartermaster had charge of such work as was done at Washington, Arkansas. Captain Taylor went from Washington to Fulton, Arkansas, where he was a successful merchant for many years. He went from Fulton to St. Louis, where he died.

Captain Alexander, who had lost an arm in West Virginia, was in charge at Camden, doing mostly repair work. He was later succeeded by Captain Fred P. Leavenworth. Captain Alexander was sent to Arkadelphia where he continued in ordnance work; later he went to Marshall, Texas, and established a powder mill. Captain Leavenworth purchased a foundry and machine shop at Camden and added a large lathe and other tools. He manufactured shot, shells, artillery, harness and a distilling plant for Dr. John Seay who under contract, distilled a good article of coal oil from the lignite coal twelve miles above Camden on the Ouachita River. Good fire brick were also made from clay obtained from the oil distillery of Dr.

Seay. Nash's iron works twelve miles from Jefferson, Texas, made good pig iron, and much iron was hauled from these works to Camden for use by smiths, and in the foundry and machine shops. Much of the flat bar iron was purchased from the Mississippi & Red River Railway Company and hauled from the Mississippi bottom to the Saline River, thence by boat to Camden and Shreveport. Teams were also kept running for the purpose of gathering scrap iron and any other material that could be of service to the ordnance department. Caps were made at Arkadelphia to some extent, but were manufactured in greater quantities at Shreveport, where the Camden shops were moved in 1863. The copper was obtained principally from collapsed brick houses in Shreveport. Everything in the ordnance line was manufactured at Shreveport except powder.

Miscellaneous.—Many articles besides the foregoing were manufactured at different places in this part of the State. No attempt is being made to classify every article manufactured or to enumerate every mill or loom or shoe shop, as it would be difficult to get definite and satisfactory information. As indicated in the beginning, something was manufactured on every plantation, indeed most of the manufacturing for use of the scattered population was done outside of what may be termed a factory or workshop. In this connection it is not out of place to note that much of this miscellaneous manufacturing of articles of food and clothing for both home consumption and for the soldiers in the army was done by the women. Had it not been for the loom and the spinning wheel and such articles of food as could be grown and preserved by the women of the Confederacy, it would have been impossible to continue the war as long as it was. No task was too arduous and no hardship too great for them to undertake in the interest of the cause for which their husbands, brothers and sons were so bravely contending.

Among other things manufactured in southwest Arkansas during the war, may be mentioned the following:

R. H. Prince and several other men, all of northern birth, established a carriage factory at Washington in 1857 or 1858.

The factory was practically closed at the beginning of the war and notwithstanding these men were from the north they entered the service of the Confederacy and made excellent soldiers. They are said to have been skilled in their profession and made fine carriages. Mr. Prince died recently at Washington.

B. F. Renfroe manufactured cotton gins at Washington. He began his business and continued it for three or four years and was succeeded by John R. Toland, who continued the work until after the war.

Before and during the war, Parker Sullivan manufactured saddles at old Centerville in Hempstead County. He secured leather from various sources, probably tanned most of it himself and his saddles were noted for their good quality.

Barney Paynter, a citizen of Clark County, was a gun maker. Notwithstanding he did not have tools such as could be found in a first class gun shop even of that day, he made fine guns, and they were regarded as standard. The possessor of a Barney Paynter gun was considered very fortunate. Jesse Overton of Ouachita County also made guns of fine quality.

A great number of sorghum mills were made in different parts of the country. The rollers and wheels were made of wood to begin with and were not difficult of construction. The manner of making syrup from sugar cane was similar to the process used today, the only difference being in the equipment. Sugar was frequently made from the syrups thus obtained, though most sugar used in southern Arkansas was obtained from Louisiana.

Very few lumber mills were in the country. Such as were in existence were run by water power with an upright saw called a sash saw which cut after the manner of a cross cut saw. Most building timber was hewn out of the woods. There were no planing mills, all such work being done by hand with a jack plane.

Tea, coffee and spice being very difficult to obtain, substitutes were employed whenever possible. Sassafras was used instead of tea. Parched rye, okra seeds or peanuts were substitutes for coffee.

Drugs and medicines were not to be had. An herb known as *vervinex* and balls of the button willow were used for quinine. Seeds of the *Palma Christi* plant were crushed to obtain oil for medical purposes. These things were not really manufactured, but these substitutes were provided wherever they could be had.

Sources.—For information contained in this chapter, the writer is indebted to Col. C. H. Stone, Camden; Hon. Jack Kelso, Magnolia; the late Hon. Jas. K. Jones, Judge A. H. Carrigan, Hope; Col. McMillian, Col. Adam Clark, Capt. C. C. Scott, Mrs. Laura Scott Butler and Mr. F. J. Carpenter, Arkadelphia; Hon. J. W. Ellis, Ozan; Mrs. C. L. McKenzie and Hon. T. C. McRae, Prescott. The twenty-first chapter of Fay Hempstead's History of Arkansas was also consulted.

THE WESTERN BOUNDARY OF ARKANSAS.

By John Hugh Reynolds.

Like Banquo's ghost the question of the western boundary of Arkansas will not down. For the last seventy-five years it has come up in a hundred ways, for practical consideration by Congress, by the treaty making power and by state authorities; for academic consideration by clubs and by authors. The study here submitted is purely academic, for the question has long since passed out of the domain of practical politics. Whatever rights Arkansas may have had (and she certainly had rights), they have long since been outlawed by the statute of limitations. For a clear understanding of the subject a sharp distinction must be made between the civil boundary on the one hand and the statutory boundary on the other hand. By civil boundary of a state or territory in our Federal system is meant the line or lines inclosing the area over which the civil jurisdiction of the state or territory extends; by statutory boundary is meant the extreme limits of the state or territory fixed by law. The author does not claim that the definitions here given to the words "civil" and "statutory" as related to boundary are commonly accepted and used either in scientific or popular discussions of boundaries. He has arbitrarily given them this meaning for the purposes of this paper. He knows of no commonly accepted terms used to differentiate between the two boundaries. As the discussion progresses, he thinks, the appropriateness of the terms will become apparent. The two boundaries may or may not coincide; they often do not, especially in the territorial period. The civil area is often less, never more, than the statutory area; the statutory boundary can not be less than the civil. For instance, the statutory western boundary of Arkansas in 1819, that is, the boundary fixed by law, was the west line of the Louisiana purchase; the civil western boundary, that is, the line that marked the western limit of the jurisdiction of the governor and

legislature of the territory, was considerably east of the statutory boundary, because the civil line was fixed by treaties with Indians, while the statutory line was determined by act of congress. These two boundaries will be treated separately.

CIVIL BOUNDARY.

By the treaty of Paris in 1803 the Federal government acquired Louisiana and all of the land of the purchase became a part of the public domain of the United States. From the general government alone all titles to land within the province had to emanate. The Indians occupying the territory were not regarded as having sovereign rights nor titles to the land; they were viewed as having occupancy rights only. Titles secured from them were not respected by any branch of the government. Yet the natives were treated with consideration. The government from the beginning followed the rule of never bestowing titles to lands which were still in the possession of the natives; it would not survey nor open up for sale any land until the Indian occupancy right had first been extinguished. Moreover, it confined the civil jurisdiction of territorial governors and legislatures to those parts of the territory, to which the native's occupancy rights had been extinguished, though the statutory boundary might extend far beyond. Her acts organizing territories usually provided that the governor should divide into districts for civil and political purposes only that part of the territory, which the government had bought from the Indians.[1]

While this rule is laid down in the act organizing the Territory of Missouri (and by implication in that of Arkansas), it was once violated in the history of Arkansas. For instance, the act of Missouri legislature December 31, 1813, creating Arkansas County defined its western boundary as follows: "Westwardly by the western boundary line of the Osage purchase and by a line to commence upon the river Arkansas where the boundary line of the Osage purchase intersects the same; thence in a direct line to the main source of the Ouachita; thence south to

[1]House misc. docs., 47 Cong., 2 sess., vol. XIX., 240 ff; Annals, 8 Cong., 2 sess., 1684; Ibid, 12 Cong., part 2, p. 2310; or Steele and M'Campbell, Laws of Arkansas (1835), 24.

the northern boundary line of the State of Louisiana."[2] It will be seen that the legislature here follows the rule north of the Arkansas, bringing within the county the territory purchased from the Osages in 1808; but south of the river it violates it, for as yet no land had been bought from the Quapaws. This departure from the rule was rather nominal than real, because the Quapaws were few in number and were on the most friendly terms with the whites. In 1825 there were only four hundred and fifty-five of the Quapaws.

Administrative Orders sometimes determined the area of settlements. Thus on December 15, 1818, the war department issued an order fixing a line from the source of the Poteau to the source of the Kiamichi as the limit of western settlement.[3] But this order in no wise affected the boundary of Missouri. It was done for administrative convenience. At the time the Quapaw title had been extinguished to the territory much further west, though the Osages put forth some shadowy claims to it. West of the Kiamichi-Poteau line some two hundred families had settled near the mouth of the former river. The region had never been legally opened to white settlement. Major Bradford, stationed at Fort Smith, received orders to remove all whites who resided west of this line. Nuttall, who made a scientific exploration of the Arkansas River in 1819, in May of that year accompanied Major Bradford on his trip to this region to execute this order. The people affected by the order objected seriously to being compelled to leave their homes and move east. Some had to be removed by force.[4]

Indian Treaties.—It has been noted that the Federal government confined settlement and the civil jurisdiction of the territorial authorities to the land in which the Indian occupancy right had been extinguished. That being the case, from the time of the Louisiana purchase to 1808, the date of the first Osage cession, there was no territory in Arkansas other than a few Spanish and French grants subject to settlement or government;

[2]Steele and M'Campbell, Laws of Arkansas (1835), 136.

[3]Amer. State Papers, Indian Affairs, II., 794.

[4]Thwaites, Early Western Travels, XIII., 207 ff; American State Papers, Indian Affairs, II., 557.

for none of the land had been bought from the natives. The growth of population seems to support this view. In 1799 the population of Arkansas was 368; in 1810, 1,062; in 1820, 14,255; in 1830, 30,388; in 1835, 52,241. The figures show that during the first decade after the Louisiana purchase comparatively few settlements were made; while in the next two decades the growth was rapid. In the first decade lands could not be bought, because the Indian claims had not been extinguished. After that date, purchasable land was plentiful. We are not to understand that Indian treaties by which the government purchased or sold lands altered the boundary of territories fixed by congress. We will later find one exception to this statement. The purchase of the Indian title merely extended the possible area of settlement and of civil jurisdiction of territorial authorities; while the sale to Indians of land within a given territory does not alter the statutory boundary of the territory, but merely creates, as it were, an Indian reservation, within the area of which the territorial authorities have no jurisdiction. These reservations may exist in states as well as in territories.

Osage and Quapaw Cessions.—The government extinguished Indian occupancy rights rapidly in the first three decades of the last century. November 10, 1808, at Fort Clark a treaty with the Osages was concluded, whereby they ceded to the United States all territory north of the Arkansas and west from the Mississippi to a line running south from Fort Clark, Missouri, to the Arkansas River at the mouth of Frog Bayou.[5] By this treaty the Osages promised to pay for all goods that members of the tribe might steal from the whites, and to apprehend and deliver to the authorities of the United States for punishment all of their people guilty of crimes against the whites. So many claims accumulated against them under this provision that in consideration of the United States settling them, the Osages on September 28, 1818, signed another treaty ceding to the government territory bounded as follows: Begin on the Arkansas at Frog Bayou, thence along the river to the Verdigris, thence up that stream to its falls, thence east to a point on the Osage bound-

[5] 7 Stat., 107; Sen. docs., vol. XXXV., 57 Cong., 1 sess., vol. II., 69.

ary line twenty leagues north of the Arkansas, and with that line to the place of beginning.[6]

The north line here used in describing this cession runs some sixteen or eighteen miles south of thirty-six-thirty north latitude, the line fixed as the southern boundary of Missouri by a bill introduced into congress a few months later, proposing to admit her into the Union. A third treaty was signed with the Osages June 2, 1825, ceding to the United States all of their claims to lands in Arkansas. The Quapaws, August 24, 1818, with the exception of a large tract south of Little Rock, made a cession bounded on the north by the Arkansas and the Canadian to the source of the latter; south to Red River; on the south by the Red to the Big Raft (near Shreveport, Louisiana), thence east to a point on the Mississippi thirty leagues south by a straight line drawn from the mouth of the Arkansas; on the east by the Mississippi to the Arkansas. In addition they ceded all claims to land east of the Mississippi and north of the Arkansas. The territory reserved south of the Arkansas River was bounded by a line running from a point on the Arkansas opposite Arkansas Post by "a due southwest course to the Oauchita," up that stream to the Saline, up the Saline to "a point from whence a due north course would strike the Arkansas River at the Little Rock," thence down said stream to the place of beginning.[7] It will be noticed that there are two errors in this cession, doubtless due to the ignorance of the extent of the Canadian and the Red rivers. In ceding land to the source of the Canadian, they conveyed a tract of land beyond the bounds of the United States in Mexico. The treaty also presumes that the Red River extended as far or further west than the Canadian. The real western boundary of the cession was the west line of the Louisiana purchase between the two rivers, as the government of course could not cede Spanish territory.

Cherokee and Choctaw Grants.—In the meantime the Federal government had begun to undo its own work by bestowing upon other Indians the lands purchased from the Osages

[6] 9 Stat., 183; Sen. doc., vol. XXXV., 57 Cong., 1 sess., vol. II., 116.
[7] 7 Stat., 176; Sen. docs., vol. XXXV., 57 Cong., 1 sess., vol. II., 112.

and the Quapaws. July 8, 1817, a treaty was concluded with the Cherokees by which in exchange for part of their lands east of the Mississippi, the government gave them acre for acre a large tract between the Arkansas and White rivers west of a line running northeast from the mouth of Point Remove Creek on the Arkansas to Chataunga mountain on White River.[8] Long before this treaty the Cherokees had settled in this territory. In 1808 two deputations representing two divisions of the Cherokees waited on the President; one represented that they wanted to remain where they were in the east and take on the civilization of the white man; the other stated that they desired to continue the hunter life; to that end they prayed to be allowed to send an exploring party to reconnoitre on the Arkansas and White rivers, and if a satisfactory country was found to be allowed to move to it. The president granted their request. Being satisfied with the reports of their Calebs and Joshuas, part of the Cherokees moved into northwest Arkansas and were there at the time the treaty above mentioned was signed. On October 18, 1820, at Doak Stand a treaty was concluded with the Choctaws, whereby that part of them who lived by hunting and would not work, in exchange for certain land in Mississippi, were given a tract of country bounded as follows:

> "Beginning on the Arkansas River, where the lower boundary line of the Cherokees strikes the line; thence up the Arkansas to the Canadian Fork, and up the same to its source; thence due south to the Red River; thence down Red River, three miles below the mouth of Little River, which empties itself into Red River on the north side; thence a direct line to the beginning."[9]

It will be noted that the government here cedes to the Choctaws all territory embraced in the Quapaw cession of 1818 west of a line running from a point on the Arkansas opposite the mouth of Point Remove Creek southwest to the Red River three miles below the mouth of Little River. The negotiators of this treaty show the same ignorance of the extent of the Canadian and Red rivers as did those who framed the treaty with the

[8] 7 Stat., 156; House docs., 56 Cong., 1 Sen. doc. no. 736, part 2, p. 721, map 6.

[9] 7 Stat., 210; Sen. docs., vol. XXXV., 57 Cong., 1 sess., vol. II., 133.

Quapaws two years before. By the terms of the treaty the United States ceded lands beyond her boundary in Mexico.

Civil Boundary of Arkansas in 1819.—The lands ceded to the United States by the Osages in 1808 and 1818 and by the Quapaws in 1818 opened up a large area to settlement and extended the civil boundary of Missouri Territory immensely. It has been noted that in 1818 the war department designated a line connecting the source waters of the Poteau and of the Kiamichi as the western line for white settlement. The following year Arkansas was organized as a territory and it will be later shown that the legal western boundary fixed by the act of congress making it a territory was the west line of the Louisiana purchase or the 100th parallel of west longitude. The civil boundary, that of territorial civil jurisdiction, did not embrace half the area comprehended within the statutory boundary. In the first place the Quapaw reservation south of Little Rock embracing about 1,500,000 acres was excluded. Excepting this reservation, all east of the following line was within the civil boundary: Beginning at a point on the White River where it crosses the boundary between Arkansas and Missouri, follow said river to Chataunga mountain, thence southwest with the Cherokee line to the mouth of Point Remove Creek; thence southwest with the Choctaw line to a point on Red River three miles below the mouth of Little River; thence down the Red to the Louisiana line. The Quapaw reservation and all west of the line just described to the 100th parallel of west longitude were outside of the civil boundary of the Territory of Arkansas in 1819.

STATUTORY BOUNDARY.

The Louisiana Line the Western Boundary.—The true western boundary of Arkansas when organized as a territory was the western line of Louisiana purchase. The act of congress approved March 2, 1819, making Arkansas a territory provided that it should embrace "all that part of the Territory of Missouri which lies south of a line beginning on the Mississippi River, at thirty-six degrees north latitude, running thence

west to the river St. Francis; thence, up the same to thirty-six degrees thirty minutes north latitude; thence west to the western territorial boundary line." [10] The western line of Missouri territory used here in defining the boundary of Arkansas was the western line of the province of Louisiana. This becomes apparent when the acts of congress relating to Missouri and Louisiana territories are examined. When on June 4, 1812, Missouri was organized as a territory congress merely provided with respect to boundary "that the territory heretofore called Louisiana, shall hereafter be called Missouri." [11] This act carries us back to the law organizing Louisiana, passed March 26, 1804. It divided the whole Louisiana purchase into two territories, one consisting of that part of the province south of thirty-third degree of north latitude and called the Territory of Orleans and the other embracing all of the province north of that line was called the District of Louisiana. Section twelve of the act provides that "the residue of the Province of Louisiana, ceded to the United States, shall be called the District of Louisiana." [12] The dividing line separating these two territories is now the boundary line between Arkansas and Louisiana. March 3, 1805, congress in reorganizing the government of the northern district retained the same boundary, merely using different descriptive language: "That all that part of the country ceded by France to the United States under the general name of Louisiana which by an act of the last session of congress was erected into a separate district, to be called the District of Louisiana, shall hereafter be known and designated by the name and title of the Territory of Louisiana." [13] These are the only provisions relating to boundary in all the acts of congress concerning the territories of Louisiana and Missouri until 1819, when Arkansas was organized as a territory. Hence the west line of Arkansas was the western boundary of the Louisiana purchase, whatever that was. The language of the treaty of cession in 1803 left

[10] Steele and M'Campbell, Laws of Arkansas, 1835, p. 36; Annals, 15 Cong., 2 sess., vol. II., 2502.

[11] Steele and M'Campbell, Laws of Arkansas, 1835, p. 24; Annals, 12 Cong., part 2, p. 2310.

[12] Annals, 8 Cong., 1 sess., 129.

[13] Annals, 8 Cong., 2 sess., 1864.

that question somewhat in doubt. But this doubt was removed by the treaty with Spain ceding Florida, dated February 22, 1819, some eight days before the act making Arkansas a territory became a law. Section three of this treaty defined the boundary line between the possessions of Spain and of the United States west of the Mississippi, which of course became the west line of the province of Louisiana. West of Arkansas this line was described as the Red River to the 100th degree of west longitude, "then crossing said Red River, and running thence, by a line due north, to the river Arkansas." [14] Arkansas was therefore a large territory, including almost all of the present States of Arkansas and Oklahoma.

If further proof of this boundary were necessary the laws organizing the early counties of Arkansas would afford it. The acts of the Missouri legislature December 15, 1818, organizing Clark and Hempstead counties, and the act of the Arkansas legislature April 1, 1820, organizing Miller County, bring within these counties large tracts of lands stretching westward to the limit of the Quapaw cession. We have already seen that this grant extended to the 100th parallel or the west line of the Louisiana purchase. For instance, a part of the description of the boundary of Hempstead County provided that from the head of the north fork of Little Missouri River a line should run "west to the Indian (Quapaw) boundary line, then with said line to the great Red River, then with the Indian boundary line to the boundary" of Louisiana. The immense area in the northwest extending west to the Verdigris River was embraced in Crawford County by the act of October 18, 1820.[15]

Western Line Proposed in 1823.—However this princely domain was of no practical value to the people of the Territory. In 1820 the population was only 14,255; they, therefore at the time could not use all of it. Then, too, we have seen that the United States took this view and restricted the civil boundary to much narrower limits. Mention has been made of the immense tracts in western Arkansas ceded by the government to the

[14] Revised Statutes relating to District of Columbia, 712 ff; Macdonald, Select Documents (1776-1861), 213.

[15] Steele and M'Campbell, Laws of Arkansas (1835), 138 f., 140.

Cherokees and to the Choctaws. While they did not alter the statutory boundary of the Territory, there certainly were large Indian reservations within its limits. If there was any thought on the part of the government of allowing these reservations to remain permanent within the bounds of Arkansas they were laying the foundation for a problem, in comparison with which the Cherokee troubles in Georgia were small affairs. In fact conditions were already developing that foreshadowed trouble. Under the direction of the war department Henry B. Downs in 1821 surveyed the eastern line of the cession to the Choctaws from Point Remove to Red River. He found west of this line a large white settlement and advised that the war department move the dividing line west to the Kiamichi-Poteau line. The whites in the ceded area were ordered to move east of the Choctaw line. The number affected is estimated as high as 5,000. Some of them appear to have moved into Texas; but the great majority did not move at all, nor did the government make an effort to compel their removal.† The people affected and the legislature of Arkansas lodged emphatic protests against the action of the government in ceding the territory to the Indians. Nothing was done until March 3, 1823, when congress in appropriating for the military service provided that the unexpended balance of the appropriation for carrying into effect the treaty of 1820 with the Choctaws might be expended in negotiating such a modification of said treaty "as to have established as the eastern boundary of the cession made by that treaty to the Choctaws, and as the western boundary of the Territory of Arkansas, a line due south from the southwest corner of the State of Missouri to Red River." [16] Here appears the first suggestion in statute or treaty of reducing the western boundary of Arkansas. The proposed line, if agreed upon was to be, not only the eastern line of the Choctaws, but the western boundary of the Territory. But nothing came of the act. The Secretary of War, Mr. Calhoun, appointed General Thos. Hinds of Mississippi, and Mr. William Woodward of Arkansas, commission-

†American State Papers, Indian Affairs, II., 549, 557.

[16]Annals, 17 Cong., 2 sess., 1872.

ers to negotiate the treaty, but through failure of the mails the letter of instructions never reached Hinds.[17]

Western Boundary Fixed in 1824.—In the meantime the people of Arkansas had become aroused and through the general assembly sent to congress a memorial protesting against the proposed boundary. Senator Benton of Missouri acted as the mouthpiece for Arkansas in the senate and presented to that body the memorial December 17, 1823. The petitioners recited that the proposed line would pass through the counties of Miller and Crawford and leave over one half of the inhabitants west of said line. They therefore prayed that the line be fixed so far west as to include the residence of said counties and their inhabitants.[18] The memorial was referred to a special committee consisting of Benton, King of Alabama, and Lowrie. March 23, 1824, Benton from the special committee made a full report on the boundary question, accompanied by a bill to fix the line forty miles west of the one suggested in the act of 1823. The report stated that there would be about twelve hundred people cut off if the line of 1823 became operative and propounded three inquiries: "First, whether the said inhabitants shall be left as they are, without law to govern them? or Second, whether they shall be compelled to come within the present limits of the Territory? or Third, whether the western boundary shall be extended to include them?" The committee rejected outright the first; the second they turned down because of the organized condition of the counties, of the preemption claims of many citizens, and more especially because the war department on December 15, 1818, had fixed the Kiamichi-Poteau line as the western limit of white settlement and had removed all west of it. The people disturbed by the recent act of congress had accepted in good faith the order of the war department and they had some rights that should be respected. The third alternative, the committee adopted, "as well for the reasons growing out of the objections to the first and second, as because a line further west will divide into two equal parts the territory of

[17]House docs., 18 Cong., 1 sess., doc. no. 84, p. 5. (S-No-97); Annals, 18 Cong., 1 sess., vol. I., 1623.

[18]American State Papers, Indian Affairs, II., 556.

the United States upon the Arkansas, east of the Mexican boundary, and will give the future State of Arkansas that power and magnitude to which, as a frontier state, in relation both to a foreign nation and numerous Indian tribes, it will be justly entitled." They leave the question of adjusting the Indian boundaries to be settled by treaties. The bill passed the senate almost without objection.

In the house it met with determined opposition. Henry W. Conway, delegate from Arkansas, assumed control of the measuse. Mr. Rankin of Louisiana opposed the proposed line because it violated our treaty obligations with the Choctaws and gave undue size to a future state. Mr. Clay was friendly to the bill; he sympathized with the frontier settlers, considered the territory as a younger daughter in our federative family and entitled to indulgent treatment. To the gentleman from Louisiana he said that if that State was too small, that fact created a greater necessity to make the adjoining frontier state strong. The bill was defeated, but on reconsideration passed May 26. The act established as the western boundary of Arkansas a line beginning "at a point forty miles west of the southwest corner of the State of Missouri, and run south, to the right bank of the Red River, and thence down the river, and with the Mexican boundary, to the line of the State of Louisiana." [19] The act appropriated $10,000 to cover the expense of negotiating a treaty with the Choctaws to secure a modification of their claims. This law was the first effective step in reducing the statutory western boundary of Arkansas. The second soon followed.

PRESENT WESTERN BOUNDARY.

Choctaw Line of 1825.—This time it was the Indian's turn to protest. The Choctaws insisted that the recent act of congress was in violation of their treaty rights. Directed by President Monroe, John C. Calhoun, secretary of war, concluded January 20, 1825, eight months after the act of congress just analyzed, a treaty with the Choctaws by which they ceded to

[19] Annals, 18 Cong., 1 sess., vol I., 47, 420; vol. II., 2757 f., 2761, 3241.

the United States their lands "east of a line beginning on the Arkansas, one hundred paces east of Fort Smith, and running thence due south, to Red River; it being understood that this line shall constitute, and remain, the permanent boundary between the United States and the Choctaws." [20] The government further agreed to remove all citizens living west of said line and to prevent future settlements there. Mr. Calhoun urged upon the Choctaws to agree to move west of the Arkansas Territory as defined by the act of congress in 1824, because it would afford ample territory for them and would be a permanent home. He pointed out that any arrangement short of that would merely be temporary, as the people of Arkansas would not be satisfied. To this they refused their assent. The line in the treaty of 1825 was a compromise. During the negotiations Henry W. Conway, delegate from Arkansas in congress, wrote Mr. Calhoun, saying that the line proposed in the treaty would not be acceptable to Arkansas and that the general assembly had already protested against a line a short distance west of the proposed line, that such a treaty would cut off a large population and injure the Territory. After the treaty had been decided upon Mr. Calhoun replied to Mr. Conway that the terms agreed upon were the best that could be made, that it secured for Arkansas quite a large area for settlement, that if not accepted the old Choctaw line of 1820 stood and the government would be compelled to enforce a hitherto uninforced provision, to remove all white settlers found west of the said line.[21]

That the execution of the treaty was attended with difficulties the correspondence of George Izard, territorial governor of Arkansas (1825-28) is witness. In a letter to the secretary of war June 6, 1825, he, after acknowledging receipt of a copy of the first article of the Choctaw treaty and promising that James S. Conway, recently appointed by President Adams to survey the boundary line established by the treaty, would make the survey, Governor Izard said that as soon as the line was run measures would be taken to remove the whites from west of

[20] 7 Stat., 234; Sen. docs., vol XXXV., 57 Cong., 1 sess., vol. II., 149.

[21] American State Papers, Indian Affairs, II., 547-558.

said line, and expressed uncertainty as to whether the regular military would be needed in the removal. He reminded the secretary of the disturbed conditions occasioned by the news of the treaty. The number of citizens west of the line was estimated at from three to five thousand. October 29th the governor transmits to Henry W. Conway, delegate from Arkansas in congress, two memorials addressed to the senate and house and one to the President by the general assembly of Arkansas. He urges indemnification by congress for the whites who were deprived of their land.[22]

Cherokee Line of 1828.—In the meantime the people of the Territory were becoming dissatisfied with the presence of the Cherokees north of the Arkansas and were asking for their removal. Negotiations to this end were beset with difficulties. The situation was complicated by frequent wars waged on the Cherokees by the Osages, who set up a claim to part of their territory. In addition Governor Izard found that efforts to secure a treaty with the Cherokees that contemplated the exchange of better hunting grounds further west of the land occupied by them in Arkansas, were defeated by the selfish opposition of halfbreeds and whites living among them. In fact he found this class constituted quite an element of the Cherokee population. They, being more intelligent than the pure blood, monopolized the trade and secured most of the annuities periodically distributed by the government. They induced the Cherokees to pass a law visiting the death penalty on any one who might propose the sale or exchange of their lands. Differences also arose between Governor Izard and the Cherokee agent, Major E. W. Duval. The governor especially prized the territory just west of the land occupied by the Cherokees, known as the Lovely Purchase, on account of its supposed salt and mineral wealth, and it was perhaps due to his efforts that the government surveyed and opened it to settlers. Some of the people required to move from west of the Choctaw line settled there.[23]

[22]Publications Ark. Hist. Assoc., I., 429, 433, 435.
[23]Publications Ark. Hist. Assoc., I., 428, 430, 438, 447 ff.

Notwithstanding the difficulties, the United States pushed the negotiations until May 6, 1828, a treaty was signed with the Cherokees, by which in exchange for seven million acres west of Arkansas and other considerations, they ceded to the United States all their claims in Arkansas as now bounded. The treaty emphasized by the most solemn guarantees of the general government that the land hereby ceded to the Cherokees was to be their permanent home, never to be embarrassed in the future by the extension around it of the lines or jurisdiction of other states or territories, and that the boundary here established should be the permanent dividing line between them and Arkansas. The framers also seem to have felt the necessity of further reassuring the Choctaws by a new declaration of their boundary agreed upon in the treaty of 1825. Article one of the treaty provides:

"The western boundary of Arkansas shall be and the same is, hereby defined, viz: A line shall be run commencing on Red River, at a point where the eastern Choctaw line strikes said river, and run due north with said line to the river Arkansas, thence in a direct line to the southwest corner of Missouri."[24]

This treaty together with that with the Choctaws in 1825 cut off a strip forty miles wide traversing the entire western border of the Territory from the boundary fixed by congress in 1824. It severed from Arkansas a large part of Lovely County in the northwest, as did the Choctaw treaty cut off much of Crawford and Miller counties south of the Arkansas. The act required the removal of all whites from the ceded area, gave each head of family three hundred and twenty acres of public land elsewhere in Arkansas and placed the regular army in their rear to strengthen their motive for moving.[25]

Expediency and Constitutionality of the Treaties.—Thus by two treaties with Indians, not independent nations,

[24] 7 Stat., 311; Sen. docs., vol. XXXV., 57 Cong., 1 sess., vol. II., 206.

[25] The Choctaw line south of the Arkansas was surveyed by James S. Conway in 1825 and the Cherokee line north of the river was run by John Donelson, Jr., beginning September 19, 1831, and ending January 28, 1832. The field notes of both surveyors are to be found in the office of the state land commissioner at Little Rock. Pages 34-52 inclusive of the latter survey are missing.

was an act of congress set aside and the permanent boundary of a territory fixed. Against both its expediency and constitutionality powerful arguments were urged at the time, principally by Senator Benton of Missouri. He had brought forward in the senate and strongly championed (though he gave Henry W. Conway, delegate from Arkansas, chief credit for the passage of the law) the bill of 1824, which established a line forty miles west of the present boundary. The same reasons which he offered in support of that bill, he urged in the senate and later in his published works against the Cherokee treaty. He insisted that as frontier territory bordering Mexico and the Indians, Arkansas should be a strong state, that the treaties cutting off some twelve thousand square miles reduced her to the class of weak states. He was especially severe in his arraignment of Southern members for supporting the treaty.

"The treaty was largely ratified," he said, " and by a strong slave holding vote, notwithstanding it curtailed slave territory, and made soil free which was then slave. Anxious to defeat the treaty for the benefit of Arkansas, I strongly presented this consequence, showing that there was, not only legal, but actual slavery upon the amputated part—that these twelve thousand square miles were inhabited, organized into counties, populous in some parts, and with the due proportion of slaves found in a southern and planting state. Nothing would do. It was a southern measure, negotiated, on the record, by a southern secretary of war, in reality by the Clerk McKinney; and voted for by nineteen approving slave-holding senators against four dissenting."

But Senator Benton was even stronger in his opposition to the ratification of the treaty because of its unconstitutionality. Among other things he said:

"The supremacy of the treaty-making power I held to be confined to subjects within its sphere, and quoted Jefferson's Manual, to show that that was the sense in which the clause in the constitution was understood. The treaty-making power was supreme; but that supremacy was within its proper orbit, and free from the invasion of the legislative, executive, or judicial department. The proper objects of treaties were international interests, which neither party could regulate by municipal law, and which required a joint consent, and a double execution, to give it effect. Tried by this test, and this Indian treaty lost its supremacy. The subject was one of ordinary legislation, and especially and exclusively confined to Congress. It was to repeal a law which congress had made in relation to territory; and to revise the disposition which Congress had made of a part of its territory. To Congress it belonged to dispose of territory; and to her it belonged to repeal her own laws."[28]

[28]Benton's Thirty Years' View, I., 107 ff.

In connection with the reflections of Senator Benton, it should be remembered that the government never regarded the Indian tribes as sovereignties, nor as having more than occupancy rights respecting the land which they held. The general government considered itself alike sovereign over the Indian and the land on which he lived. Hence the constitutional question as to whether an agreement entered into between the Indians and a branch of the government, though that branch be the treaty-making power, would be a treaty in the sense used in the constitution. If this question were answered in the affirmative, there would still remain the question discussed by Senator Benton, whether fixing and altering the boundaries of territories where already established by congress was a proper subject of a treaty. While perhaps not affecting the legal aspect of the question the facts that the secretary of war concluded the Choctaw treaty within less than eight months after an act of congress fixed the boundary forty miles west and that the same act appropriated the money for negotiating a treaty with the Choctaws in conformance with the act, made the action of the executive a bold, if not a high-handed, one. The question was never carried to the courts. Arkansas submitted too tamely; she should have exhausted every legal means of overturning the treaties.

The west line south of the Arkansas established by the Choctaw treaty of 1825 was reaffirmed in another treaty with them in 1830.[27] In a treaty with the Choctaws and Chickasaws in 1855 it was reaffirmed in the following language: "Beginning at a point on the Arkansas River one hundred paces east of old Fort Smith where the western boundary line of the State of Arkansas crosses the said river, and running thence due south to Red River."[28] Accordingly congress in 1856 made an appropriation to carry out the provisions of the treaty. Under this act the government the following year began the survey, but stopped the work when some eight miles of the line was run and directed the surveyors to do other work. The Choctaws were not satisfied with the old survey and renewed their demand for retrac-

[27] 7 U. S. Stat., 333.
[28] 11 Stat., 6111.

ing the line.[29] This led congress March 3, 1875, to provide for a resurvey of the entire western line of the State for the purpose, not of establishing a new line, but of ascertaining how much land the Indians were deprived of wrongfully by the old survey.[30] Under this act the line was retraced in 1877, Henry E. McKee acting as surveyor. This survey showed that the Choctaw line as run in 1825 diverged to the west from a due south course and thus threw into Arkansas 137,500.12 acres that properly belonged to the Indians, and that the Cherokee survey of 1831-32 north of the river diverged to the west, taking from the Indians 2,539.54 acres and adding them to Arkansas. The attention of congress was called to this fact and that body was asked to pay the Indians for this loss. Largely through the efforts of H. E. McKee of Washington and J. B. Luce of Fort Smith, this claim was paid.[31]

When Oklahoma was admitted into the Union, congress gave to Arkansas a small strip of land belonging to Oklahoma lying west of Fort Smith between the line of the McKee survey and the Poteau River. It is about one and one-half miles long and varies in width from nothing to four hundred and thirty-six feet, embracing in all about forty acres. The boundaries of Arkansas as defined in the constitution of 1874 have not been altered so as to include this territory, and there is some question as to the legal competency of the State to exercise jurisdiction over the territory in question.

SOUTHWEST BOUNDARY LINE.

Negotiations With Mexico.—Another phase of the western boundary question was the line at the southwest corner between Arkansas and Mexico, later Texas. The difference grew out of the fact that the boundary line between the possession of Spain and of the United States on the west as defined in the treaty of February 22, 1819, ceding Florida, had never been run. The treaty of cession provided that the line should be surveyed

[29]House ex. docs., 40 Cong., 2 sess., doc. no. 133.
[30]18 U. S. Stat., 476.
[31]Sen. reports, 45 Cong., 3 sess., vol. 2, report no. 714.

by a joint commission of the two nations, but it was never done. When the treaty was signed, Mexico was a part of Spain, but in the early twenties she won her independence and fell heir to the obligations of Spain with respect to the boundary question. This she acknowledged as early as February 15, 1824.[32] But the United States was again land hungry and wanted a large part of the province of Texas. Accordingly for the next few years the secretary of state repeatedly instructed her minister at the Mexican court to negotiate a treaty, securing a boundary which would bring within the United States the territory drained by the Red, the Canadian and the Arkansas rivers. Mexico declined absolutely to consider such propositions. Failing in this, the United States then turned her efforts toward securing a joint survey of the boundary as prescribed by the treaty with Spain. Mexico now became indifferent and the United States suffered the humiliation of repeated unpardonable dilatory tactics.

The treaty of limits was signed early enough, January 12, 1828. It recognized the boundary as fixed in 1819 by the Florida treaty, and provided for the appointment of a joint commission to run the line.[33] The United States ratified the treaty promptly, but Mexico delayed ratification until it was too late to exchange ratifications within the time fixed. This necessitated negotiating an additional article extending the time. Here again Mexico failed to act promptly. The additional article was not signed until April 5, 1831, and the ratifications were not exchanged until April 5, 1832.[34]

Under this treaty the United States appointed commissioners, but Mexico delayed her appointment until the expiration of the time limit killed the treaty. After much delay a second additional article was signed April 4, 1835, and ratifications were exchanged at Washington, April 20, 1836.[35] Meanwhile Mexico had become so involved with the Texas revolution that this treaty was lost sight of and nothing done under it. Texas

[32]Ex. doc., 25 Cong., 1 sess., doc. no. 42, p. 6.
[33]Ex. docs., 25 Cong., 1 sess., doc. no. 42, p. 28 f., 79.
[34]Ibid. 79.
[35]Ibid. 79, 92.

winning her independence in 1836 took Mexico's place with respect to the boundary.

Claims of the United States.—In the meantime settlers were pushing into the boundary territory at the southwest corner of Arkansas, and their government raised the question of jurisdiction. The United States was not clear as to where the boundary was at this point. It will be remembered that the treaty with Spain ceding Florida to the United States, provided that the boundary should begin at the Gulf of Mexico at the mouth of the Sabine, run up the west bank of that stream to the 32d degree of north latitude, thence directly north to the Red River, thence up that stream, etc. The United States advanced two views with respect to this line, both of which proved to be erroneous. One was that the Neches River was the real boundary river of the treaty instead of the Sabine. The reason urged in support of this contention was that of the two rivers emptying into Sabine Lake at the Gulf, the Neches was larger than the Sabine and was therefore probably intended by the treaty as the dividing stream.[36] If this position had been sustained it would have added quite an area to the United States, as the Neches crosses the 32d degree of north latitude some eighty miles west of where the Sabine crosses it. Presuming the failure of the Neches River proposition, the other view was that the Sabine crossed the 32d degree further west than it really does. Hence the claim to territory in Texas by Arkansas and the United States.

As early as April 1, 1820, when the general assembly of Arkansas created Miller County, the members evidently entertained some vague idea of possessions in Texas. The county was made up almost entirely of land in what is now Oklahoma and Texas. The boundary description was as follows: Begin on the Red River at a point south of Cossatat River, run north to its mouth, up said river to its source, thence north to the boundary of Clark County, west with said line to the Indian boundary line (the 100th meridian), then with said line to the Red River, "then southeasterly with the

[36]Ex. docs., 25 Cong., 1 sess., doc. no. 42, p. 11; Sen. docs., 27 Cong., 2 sess., vol. 3, pp. 7, 8, 14.

Indian or Spanish boundary line to a point due south of the beginning, then due north to the beginning."[37] This description is clear except the southwest line. The Indian line here referred to is the Quapaw line described in the treaty of 1818, which was the Red River from the 100th parallel of longitude to the Big Raft. This line would not do for the whole distance, because nowhere would it come to a point south of the "beginning." The Spanish line used in the description is the line described in the treaty with Spain in 1819, which from the 100th parallel was the Red River to a point on said stream which would be intersected by a line due north from where the Sabine crosses the 32d degree of north latitude. The description shows that the general assembly was not clear as to where the Sabine crossed the 32d degree. Evidently they thought it considerably west of where it actually does cross. As they probably intended it, a better description of the southwest line would have been to follow the Red from the 100th parallel to the point of intersection by a line due north from where the Sabine crosses the 32d degree of north latitude, thence on said line to the 33d degree or northern boundary of Louisiana extended, thence east on said line to a point due south of the place of beginning, thence north to said place.

No question of practical politics arose out of the boundary question until 1829. December 12, 1828, a resolution was introduced into the house, instructing the committee on territories to inquire into the expediency of passing a law extending the western boundary line of Arkansas due south to the province of Texas, from the point on the Red River where the line running due south from a point forty miles west of the southwest corner of the State of Missouri strikes said river; said extension was to be made so soon as the line between Texas and Arkansas should be run. This resolution was referred to the committee on territories, which reported January 20, 1829. In its report the committee said "that its information was that the true boundary line between the United States and the Mexican territory of Texas, will strike the Red River probably west of the point where the western boundary line of Arkansas now

[37] Steele and M'Campbell, Laws of Arkansas, (1835), p. 138.

terminates. Should this be the case, there will then be a tract of country, south of the Red River and north of Louisiana, across which the western boundary line of Arkansas will be undefined. To provide for this contingency, the committee submit the accompanying bill." [38] This bill passed the house but was not considered in the senate.[39] The bill proposed to make the west line of Arkansas south of the Red about forty miles west of the line north of said river. The line was to run south to the 33d degree, the northern line of Louisiana. A reference to the map will show how far from what proved to be the true boundary their opinion was. The view on which the proposed law was based was that either the Neches was the real boundary or that the Sabine crossed the 32d degree of latitude much further west than it really did.

THE BEAN-MAYLAN AFFAIR.—The most important incident that occurred in the disputed territory was the Bean-Maylan affair. It seems that General Teran, commandant general of Coahuila and Texas, ordered Colonel Bean to reconnoiter the situation of the savages and to prevent the introduction of adventurers in and about Punta Pacana. In the execution of this order he appears to have gone into territory claimed by Arkansas and to have written a note to John Pope, governor of the Territory, asking by what authority Arkansas claimed jurisdiction over Miller County, alleging that it was entirely beyond the boundary of the United States. About the same time one Benjamin Maylan or Milan served notice on Governor Pope that he was about to enter upon the survey and sale of a large tract of land under a recent grant of the Mexican government in Miller County. These acts became the subject of a complaint filed September 21, 1830, by Governor Pope with Martin Van Buren, secretary of state, who at once addressed Mr. Tornel, the Mexican minister at Washington, on the subject, and under the direction of the President, requested him to use his good offices to induce the persons claiming lands in the territory in dispute to abstain from further proceedings pending negotiations. Mr. Tornel in his reply of October 2 said that he had

[38] House reports, 20 Cong., 2 sess., vol. VII., doc. no. 52.
[39] House journal, 20 Cong., 2 sess., vol. V., 209.

notified his government of the affair and would write General Teran to order the parties to abstain from operations until they received further notice. He took occasion to recommend that the United States should enjoin "upon Governor Pope to abstain from all violent measures whose result might be fatal; this suggestion is rendered more necessary from that last year some alarm was occasioned in Mexico by the opinions expressed by the said governor, in a speech at the opening of the session of the legislature of Arkansas, concerning the Mexican territory of Texas; and what he supposed to be the interests of the United States; and the wishes of their government respecting this delicate subject." March 24, 1831, Mr. Tornel transmitted to Mr. Van Buren the reply of General Teran, who reported that he had directed Maylan to cease operations, but insisted stoutly that Punta Pacana was within Mexican territory by at least sixty leagues. He further pointed out that a settlement of some five hundred North Americans was located on the territory in question, that they were there without authority from Mexico, and that if Governor Pope opposed the Maylan settlemen he should oppose the settlements by his own people until the boundary was run.[40]

ARKANSAS INTERESTED.—Governor Pope seems to have been better satisfied in his next message to the general assembly, October 5, 1831. With respect to the boundary question he said:

> "The difficulties and collisions with which we were threatened under the authority of the Mexican Government have subsided, and the government of the United States and that of Mexico have agreed to suspend any interference with the settlements or country claimed on either side; and that things shall remain as they are, until the question of right and boundary can be amicably and finally adjusted. Pursuant to this understanding and temporary arrangement between the two governments the President of the United States has instructed me to exercise and maintain jurisdiction to the extent it has been heretofore uniformly claimed and exercised by the authorities of the Territory, but not to transcend that line."

He then warns the people to conform to the views of the President if they wish protection and assures them that the United States will be mindful of their rights in the disputed

[40] Ex. docs., 25 Cong., 2 sess., vol. XXII., doc. no. 351, pp. 67, 69, 650 ff, 659 f.

territory.[41] Governor James S. Conway in his message September 17, 1836, makes the disturbed conditions in Texas and Mexico, and the presence of so many Indians on the west the basis for a request that the general assembly will provide for the organization, discipline and equipment of a strong militia to supplement the troops that the Federal government will probably keep on the border.[42]

When Texas by revolution fell heir to Mexico's claims, the United States had a more vigorous nation to deal with. Governor Conway's message of November 6, 1837, to a special session of the general assembly shows this fact. He said that in May last he was informed that the Republic of Texas had passed an act creating a land district of all that section of Arkansas "lying between the main Red River and the Sulphur Fork; thus embracing the entire county of Miller and about half of the county of Lafayette." The secretary of state of the United States, whom he had apprised of the affair, replied that the general government would not suffer encroachments upon its territory by Texas. In this promise he had faith, but expressed the wish that the boundary line might be soon run.[43]

Governor Conway experienced difficulties in carrying out the President's instructions to maintain jurisdiction, because the people in the disputed area were hostile to Arkansas and would not as officers exercise authority in her name. The general assembly March 3, 1838, passed an act "to sustain the sovereignty of the State, and enforce its authority" with special reference to the disputed territory, but the governor in his message to the regular session of the legislature November 5, 1838, confessed that the act had proven ineffective. The people of the section preferred the laws of Texas to those of Arkansas. "Every officer in the county of Miller commissioned under the authority of this State, has either resigned or neglected to serve; and all the information which I have received on the subject conduces to prove the fact that not a man in the county will accept of and discharge the duties of any office under the authority of Arkan-

[41]Journal of General Assembly, 1832, 20.

[42]House journal, 1836, 24.

[43]House journal, special session, 1837, 184.

sas." The governor's effort had failed to induce citizens from other parts of the State to move there and accept office. The Federal government had instructed the United States district attorney for Arkansas to take action in the matter, but nothing had been done. For these reasons Governor Conway renews the recommendation made a year before that the legislature abolish Miller County and annex it to some other county.[44]

Boundary Commission.—But the United States had already concluded a treaty with Texas April 25, 1838, which provided for a joint commission to survey and mark the boundary line from the mouth of the Sabine to Red River according to the treaty of limits with Mexico January 12, 1828. It further stipulated that until said line was run, each nation should have jurisdiction in all territory over which it has hitherto exercised authority.[45] The President appointed for the United States John H. Overton of Louisiana, commissioner, and Dr. John R. Conway of Arkansas, surveyor. The members from Texas were Memucum Hunt, commissioner, and A. B. Gray, surveyor. For a time Geo. W. Smyth acted as the Texas commissioner. The commission organized at New Orleans August 7, 1839.[46] Mr. Conway benig absent, together with other facts, caused the commission to adjourn to meet at the mouth of the Sabine October 15. It however did not meet again until the middle of February of the following year.

But before the commission began work, a long delay ensued during which the commissioners of the two republics engaged in a lengthy correspondence over the meaning of the treaty, such as, whether Texas under the treaty could erect wharves on the main channel of the Sabine and whether the line should begin at the entrance of Sabine River into Sabine Lake or at the juncture of Sabine Pass and the Gulf.[74] This war of words over matter irrelevant for the most part lasted for several days. Not able to settle it, the commission adjourned March 15 until they could receive instructions from their governments. They

[44]House journal, 1838, 160 f.
[45]Sen. docs., 25 Cong., 3 sess., vol. 1, 74 f.
[46]Sen. Docs., 27 Cong., 2d. Sess., vol. III, Doc. No. 199, p. 1 ff.
[47]Ibid. 19 ff.

met again May 15 when Mr. Overton notified Mr. Hunt that his instructions absolutely forbade his engaging in further discussions on subjects which the United States regarded as outside of the province of the commission and that they must begin the survey at the Gulf on the west side of Sabine Pass, otherwise he was ordered to return home. Mr. Hunt yielded and the survey began. Mr. Overton was unable to sustain the contention that Neches River was the real boundary. They traced the line along the west bank of the Sabine to the 32d degree of north latitude by June 10, 1840. Here they adjourned until autumn on account of the approaching sickly season. Because of the failure of Texas to appropriate for the continuance of the survey the commission did not resume work until February, 1841. It now finished the work of determining the exact point where the Sabine crosses the 32d degree, an important part of their task, as it fixed the fate of the territory in dispute, whether it should fall to Texas or to Arkansas. It was decidedly in favor of the former.[48] This had been forecasted by their observations in June, 1840, before adjourning, and Governor Conway in his message in November of that year bore the unwelcome news to the general assembly, that the line when finished would probably leave Miller County entirely in Texas.[49]

The commission finished its work at the Red River June 24, 1841. In making a report to Daniel Webster, secretary of state, of his work under date of August 10, 1841, Mr. Overton records that the line leaves to Texas the land in dispute, and among other things says:

"The limits of the State of Arkansas, between the 33d degree of latitude and the Red River, had not other determinate bounds, I believe, than those recognized and temporarily secured by the provisions of the convention; and her jurisdiction west of the established boundary, like that of Louisiana, over the 17th range of townships, had been recent, and generally considered of doubtful title. Hence, the inhabitants, along the whole extent of this frontier, evidenced neither disappointment nor dissatisfaction in the change of relations, produced by the settlement of the limits."[50]

This survey settled the last important question respecting the western boundary of Arkansas.

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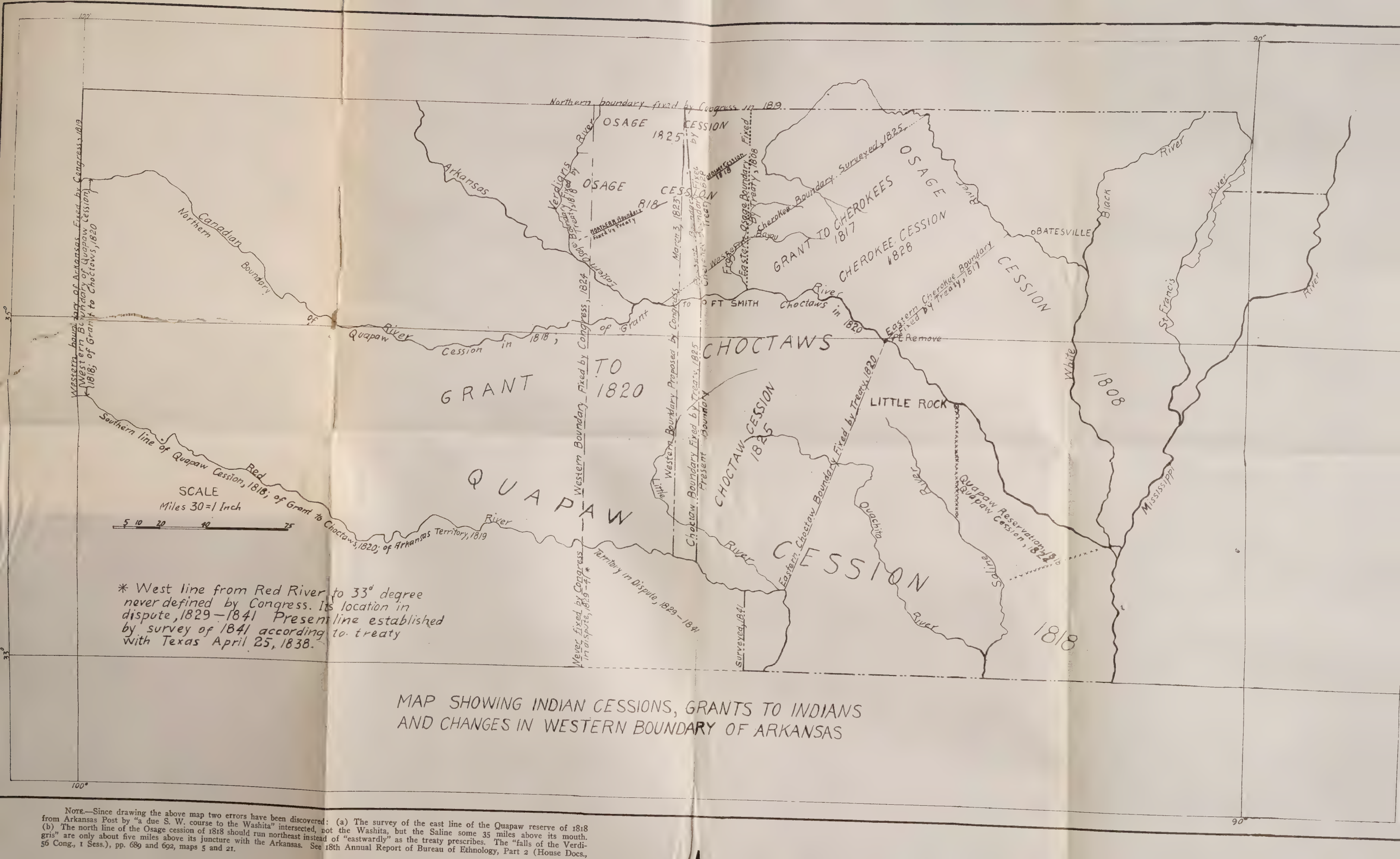
[48]Ibid. 50 ff.

[49]House journal, 1840, 257.

[50]Sen. docs., 27 Cong., 2 sess., vol. III., doc. no. 199, p. 55, 57 ff.


Northern boundary fixed by Congress in 1819
OSAGE CESSION 1825
OSAGE CESSION 1818
Arkansas River
Verdigris River
Western Boundary of Grant to Choctaws, 1824
Northern Boundary Fixed by Treaty, 1818
Western Boundary of Quapaw Cession, 1818; of Grant to Choctaws, 1820
Canadian River
Northern Boundary of Grant to Choctaws, 1820
Quapaw Cession in 1818; of Grant to Choctaws, 1820; of Arkansas Territory, 1819
GRANT TO QUAPAW 1818
Western Boundary Proposed by Congress, March 3, 1825
Western Boundary Fixed by Treaty, 1825
Present Western Boundary
Little River
Choctaw Boundary Fixed by Treaty, 1820
Never fixed by Congress
Territory in Dispute, 1829–41*
Surveyed 1841
Eastern Choctaw Boundary Fixed by Treaty, 1820
CHOCTAW CESSION 1825
CHOCTAWS TO FT SMITH
GRANT TO CHEROKEES 1817
CHEROKEE CESSION 1828
Western Osage Boundary Fixed by Treaty, 1808
Eastern Osage Boundary Fixed by Treaty, 1808
Cherokee Boundary Surveyed 1825
Bayou
Choctaws in 1820
Eastern Cherokee Boundary Fixed by Treaty, 1817
Ft Remove
LITTLE ROCK
Arkansas River
OSAGE CESSION
BATESVILLE
Black River
White River
St Francis River
1808
Mississippi River
Quapaw Reservations 1818 & 1824
Quapaw Cession, 1824
Ouachita River
Saline River
CHOCTAW CESSION 1825
1818
Red River
SCALE
Miles 30 = 1 Inch
5 10 20 40 75
* West line from Red River to 33° degree never defined by Congress. Its location in dispute, 1829–1841 Present line established by survey of 1841 according to treaty with Texas April 25, 1838.
35°
33°
100°
90°

MAP SHOWING INDIAN CESSIONS, GRANTS TO INDIANS AND CHANGES IN WESTERN BOUNDARY OF ARKANSAS

NOTE.—Since drawing the above map two errors have been discovered: (a) The survey of the east line of the Quapaw reserve of 1818 from Arkansas Post by "a due S. W. course to the Washita" intersected, not the Washita, but the Saline some 35 miles above its mouth. (b) The north line of the Osage cession of 1818 should run northeast instead of "eastwardly" as the treaty prescribes. The "falls of the Verdigris" are only about five miles above its juncture with the Arkansas. See 18th Annual Report of Bureau of Ethnology, Part 2 (House Docs., 56 Cong., 1 Sess.), pp. 689 and 692, maps 5 and 21.

FOUNDING OF PRESBYTERIANISM IN SOUTHWEST ARKANSAS.

By Asa S. Morgan.[1]

The history of a community or a state is but a record of the life and character of its people; and when the lives of its leading citizens are devoted to upbuilding the best interests of the community or state in which their lot is cast, as naturally as effect follows cause, we find the result of that influence a living principle in forming the character and actuating the lives of those whose privilege it has been to profit by their example.

"Train up a child in the way he should go, and when he is old he will not depart from it," uttered more than two thousand years ago by the wisest of teachers, has lost none of its significance from the lapse of ages. As a truism in a broader sense it applies equally to communities; for when trained by the teaching and influenced by the example of upright lives, they too are led, it may be unconsciously, in the way they should go; nor will they depart from the paths of virtue and rectitude.

These thoughts readily occur in reviewing the history of the Presbyterian church at Mt. Holly in Union County, Arkansas. For more than sixty years it has been a controlling influence in moulding the character of a community, which in right living still cherishes the faith, and in the essentials of good citizenship

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[1]Colonel Asa S. Morgan of Camden was born near Macon, Georgia, in 1825, his father being of Welsh and his mother of English descent. He was educated in the private academies of Dr. McIntire at Macon, and Dr. Mason at Vineville. In 1843 he moved to Union County, Arkansas, and engaged in farming and merchandise. When the Civil War broke out Mr. Morgan raised and equipped at his own expense in Union County company A, first Arkansas infantry, of the Confederate army. At the battle of Shiloh he was aide to Colonel Fagan. When at the end of the first year's service the regiment was reorganized, Colonel Morgan became assistant adjutant general to General Rust. He was later transferred to Hindman's command in the Trans-Mississippi department, where he commanded the third regiment in McRae's brigade, later called Morgan's Arkansas regiment. He also served as inspector of field transportation

practices the virtues and follows the example set them by the exemplary lives of its founders.

In November, 1842, Colin L. McRae, with his family, moved from Alabama and located in the neighborhood now known as Mt. Holly, in Union County. In January, 1843, Edward W. Wright and his family, also from Alabama, settled in the same neighborhood. In the winter of 1845, Dr. Charles Chester and his family came; and near the same time father Christopher McRae and his family were added to the community. Others of like faith, notably Samuel D. Strain, were attracted around this group of devoted Presbyterians, and in May, 1845, the Rev. Aaron Williams, the state evangelist, visited them and organized the Mt. Holly Church with Colin L. McRae, Edward W. Wright, Charles Chester and Samuel D. Strain as elders. In the original organization of the church no deacons seem to have been needed. The church record for many years makes no mention of a deacon at its sessional meetings, but these four elders in a patriarchal way, as judges in Israel, assumed the duties, and managed the temporal affairs of the church, in addition to their oversight of its spiritual interests, and under their prudential control, this little church planted in what was then a comparative wilderness, on the outer verge of civilization, quietly and successfully fulfilled the object of its organization—the promotion of pure religion and the upbuilding of God's kingdom on earth.

The church was organized at the house of C. L. McRae, for there was no church building or stated place of worship, and for a time when some passing or visiting minister could give them a day, services were held at a private house where

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on the staff of General Kirby Smith, remaining in this position until the close of the war.

Before the war Colonel Morgan was a Whig, but since then has been identified with the Democratic party. He has several times served as a delegate to state and national conventions of his party. He was elected to the legislature in 1876, also in 1890. He has frequently championed the improvement of the Ouachita River.

He married in 1855 Miss Eliza Wright, who died in 1869; in 1871, Miss Martha Julia McRae, who died in 1889. He has three sons living; two engaged in business at Camden and another a physician. A fourth son, now dead, Stokeley by name, fired the first gun on the Olympia, Admiral Dewey's flagship, at the battle of Manilla.—Editor.

it best suited the convenience of the people. It is remembered that the Rev. A. R. Banks, the pioneer of Presbyterianism and organizer of churches in Ouachita Presbytery, preached his first sermon to this congregation in 1845 at the house of E. W. Wright, and to these services the people came long distances with their children on horseback, many of them on foot; for wheel vehicles for the use of the women and children were unknown in Union County at this early day. It has been said that the Presbyterian church is not a pioneer church. But conditions could scarcely have been more primitive than when the church was planted in Union County. This fact is emphasized by two references—one to the pioneer doctor and the other to the postal service. The only physician remembered previous to 1845, in a territory embracing what is now included in four or five counties, was a Dr. Gosney, whose home was one mile east of what is now known as the village of Lisbon in Union County. His practice extended from the Saline River east to Red River west; and north and south from Arkadelphia in Arkansas to Farmersville in Union Parish, Louisiana. He knew every path and by-way in the territory over which his practice extended and when his services were needed the patient often recovered before he could be located. His knowledge of materia medica was confined to what observation and experience taught him of the medicinal properties of roots and herbs. And if like Aesculapius, his illustrious prototype, he did not claim to possess the power to prevent death, nor to restore the dead to life, he knew the antidote for chills and fever, the diseases then most prevalent, and never failed to prescribe it. This prescription is remembered after this lapse of years: "it was *rhubarb, aloes, gentian* and *quassia* in equal parts dissolved in whiskey." A wine glass full of this decoction before breakfast was administered as a preventive to hands before going to the field to pick cotton in the fall. And when a patient contracted the disease a prescription to produce "a determination to the surface," followed at intervals by the above mentioned tonic was expected to effect a cure. Dr. Gosney was a type known in the parlance of the pioneers as an Ivorybill, a large bird of the woodcock species, provided with a conspicuous white bill that

contrasted strikingly with its black plumage, and was never seen except in the forest, in the back woods and on frontier settlements. Like this singular and solitary bird, Dr. Gosney folded his tent and quietly disappeared before the advancing tide of civilization.

In 1843 the post office nearest Mt. Holly was "Fosters," seventeen miles distant, located in what is now Lafayette township in Ouachita County, six miles south of "Ecore Fabre," a trading point on the Ouachita River now known as Camden. The mail was carried on horseback and delivered once a week from a far away and unknown distributing point. Letters were written and folded with a blank space left for the address, and sealed with a wafer or sealing wax, for it was before the day of stamps and prepaid envelopes. The postage of 25c. for all letters over four hundred miles, and in proportion for shorter distances, was paid at the office when delivered. A few newspapers, especially the *Charleston Observer* published in Charleston, South Carolina, and the *Macon Messenger* and *Columbus Enquirer,* published at Macon and Columbus, Georgia, respectively, reached their subscribers three or four weeks after the day of publication. But little was known in one neighborhood of what was occurring in the next only a few miles distant.

In the fall of 1844, Mr. William J. Archibald, the son of a Presbyterian minister, came from Mississippi and was employed to teach the first school organized at Mt. Holly. The school room was a log cabin hastily constructed by the people of the neighborhood and centrally located, so as to be in reach of the largest number of children. Wm. Archibald taught for two years and by his upright conscientious life and faithful discharge of his duties made a lasting impression for good on the lives of his pupils. It will be seen as this narrative proceeds that Mr. Archibald's school was the beginning, upon which the Mt. Holly Academy was subsequently founded, an institution inseparably interwoven with the future history of the church.

Mt. Holly Church, the first Presbyterian church in southwest Arkansas, was organized with fifteen members embracing the families of Christopher McRae, Colin L. McRae, Edward W. Wright and Charles Chester, of the Mt. Holly neighbor-

hood, and of John R. Hampton from near ElDorado, and George A. Phifer from New London, in the eastern part of the county. A church was soon organized at ElDorado and John R. Hampton withdrew to become an elder in it; and George Phifer was made an elder in a church in his neighborhood near New London known as Ebenezer. And thus early the membership of the Mt. Holly Church was being distributed to aid in organizing churches in destitute places.

This church at Ebenezer prospered until the commencement of the war in 1861. Then enlistments in the army, losses in battle and the demoralization caused by the war left it without a male member, and a committee sent by the Presbytery found it without a pastor, elder or deacon and recommended that it be dropped from the roll of churches. Mrs. Mary A. Pool, the daughter of elder George A. Phifer, and a devout Christian lady and member of the church, said: "Go back to the Presbytery and report that I will perform all the functions necessary to keep this church alive." Nothing could surpass the devotion, zeal and determination of this declaration; a revival followed and Ebenezer remains on the roll of churches in the Ouachita Presbytery.

In the fall of 1845 the Rev. Wm. S. Lacy came from Missouri and settled at ElDorado, which had in that year been selected as the county site of Union County. He was originally from Virginia and a member of a family of that State that had been prominent in the history of the church from early colonial days. Mr. Lacy was the first minister to serve the Mt. Holly Church as stated supply. He preached first in a small log cabin located in what is now a field just east of the Rinehart Mill site, and later in a building of hewn logs erected as a temporary place of worship near where the Mt. Holly Academy is now located. A single aisle from the door to the pulpit divided the floor space of this church or house of worship into two equal parts; the men occupying one side of the house and the women and children seated on the other. On one occasion at the eleven o'clock service a large snake was seen crawling along a crack between the logs, and stopping, extended its head toward the women seated nearest to it. Had Eve fled as precipitately from the serpent in the garden of Eden and refused to listen

to its beguilings as these women left that part of the church, her record would not be, "The serpent he beguiled me," and the history of this world might have been differently written. With a bruised head this serpent was cast out and with the remark from the pulpit "Thus let it be with all evil tempters who intrude into God's house and among God's worshiping people," order was restored and the sermon proceeded.

Mr. Lacy served the church until 1847 and was succeeded in charge by the Rev. J. M. Hogue, but he continued in the work of the ministry supplying vacant churches when his services were asked for, until the outbreak of the war in 1861, and died at his home near ElDorado in 1880 in the ninetieth year of his age. Venerated for his years, esteemed for his learning, admired for his eloquence and loved for his simple hearted guileless faith, Mr. Lacy had gone in and out before the congregation he served the personification of a minister whose

> "Failing leaned to virtue's side
> Who tried each art; reproved each dull delay,
> Allured to brighter worlds; and led the way."

For two decades from 1840 to 1860 the population in southwest Arkansas was largely increased. Out of the territory known as Union County in 1840, the counties of Calhoun, Bradley, Ouachita, Columbia, parts of Lafayette and Nevada were formed, and still the population of Union County with its reduced area was greater in 1850 than that by which this whole territory was previously occupied. The scattered homes of the early pioneers with small clearings around their cabins had been replaced by cultivated fields and more substantial improvements, and their occupants with their families had gone to locate other claims and again establish their temporary dwelling places on a constantly receding frontier.

Especially was this increase in population a marked feature in the Mt. Holly neighborhood, to which immigrants from Georgia, Alabama and Mississippi were attracted by the ties of consanguinity and social relationship to those who had preceded them. And when the Rev. J. M. Hogue was called in 1847 to the Mt. Holly Church as the successor of Mr. Lacy, it was

to a well organized church, in a prosperous community, united in faith and professing the same religious creed.

Mr. Hogue's coming was the beginning of a new era in the history of the community, the church and the school. In addition to supplying the pulpit he organized the Mt. Holly Academy, an institution of learning unexcelled in the State, and under his control almost inseparably connected with the church. No estimate can be made of the influence for good exercised, in other and in some cases distant communities, by those who received their moral and intellectual training under Mr. Hogue in this school and church.

The four elders who have been mentioned assumed the duties of trustees and watched over the interests of the school with the same careful vigilance that they bestowed upon the affairs of the church. Their first care was to get a bill passed, known to be the first act of the kind enacted by the legislature, forever prohibiting the sale of intoxicating liquors within a specified radius of the academy. This act, a lasting monument to the wisdom and forethought of those who thus early saw its necessity and procured its passage, has surrounded Mt. Holly for more than sixty years with a moral atmosphere of incalculable benefit to the school, conserved the purity and well-being of the church, and safeguarded the peace and harmony of the community.

The first academy was built of hewn logs on its present site, and the congregation moved to it and used it as a house of worship until the present school building was erected in 1860, in which services were held until the present church was completed in 1881.

The furnishings of this academy where the classics were taught amid surroundings as primitive as we may suppose were the groves where Plato instructed his disciples, were so unique a description of the way in which it was seated, in the absence of lumber, which we have mentioned, and of modern school room seats, desks and appliances which were then unthought of, may not be amiss. Each seat in this school room was a section or block of a pine tree of proper dimensions sawn to the right length and stripped of the bark, to it a board was nailed

for a rest for the back, and for his comfort if the pupil desired and furnished it, was added a cushion. Their weight anchored these seats to their places at desks equally primitive, and thus provided with appliances they required, the pupils of the Mt. Holly Academy read Caesar, Virgil, Sallust, Cicero, Horace, Livy and Xenophon and left its walls to commence the battle of life with minds stored with the literature of Greece and Rome, and strengthened by demonstrations of the most difficult problems in mathematics.

There was good reason for building the first school house of logs. Lumber was almost unknown. Nothing emphasizes this fact so well as the story of Rinehart's Mill mentioned in another connection. Mr. Rinehart built a water mill on a small stream known as Beech Creek, to grind corn for the neighborhood and to it he added a saw for cutting lumber. It was the kind known as a sash saw with a single blade that ran vertically with a capacity of three or four hundred feet of lumber a day. Mr. Rinehart would set the saw to run through a log placed on the carriage, go to his breakfast at his house a few hundred feet away, and return before it had cut through one line, and this was the only mill in reach of this community. It is readily seen how inadequate this supply of lumber was to any ordinary demand, but it was supplemented by hewn puncheons for floors and riven boards for building. The furniture in the dwellings conformed to these surroundings, but all needful supplies for the comfort of the people were shipped to them by boat from New Orleans, and thus their actual wants were provided for, and contentment and happiness was a welcome guest in every home.

To this school Mr. Hogue devoted all the tireless energies of his nature; his remarkable gifts as a teacher were supplemented by extensive reading and a wide range of literary acquirements, and to these he added a sleepless vigilance that watched with constant care the moral and intellectual training of his pupils. He occupied the pulpit and conducted the school until 1857 and then moved to Bradley County and organized a school near Johnsville, the neighborhood in which Colonel John R. Hampton, one of the charter members of the Mt. Holly

Church resided. This school organized on the same plan as at Mt. Holly promised a like success, but was crippled and finally broken up by the war. Mr. Hogue then moved to Iowa where he had relatives living, and went thence on a visit to Oregon, where a brother resided. Here he died with the record of a long and useful life. As a teacher, imparting knowledge, maintaining discipline, training the minds and securing the respect and confidence of his pupils, he was unexcelled. As a friend, he was true to the noblest impulses of the human heart. As a citizen, he exercised a salutary influence on all questions involving the well being of the people, encouraging them in the pathway of right living, but his highest praise is, he was in its true sense a preacher of the gospel of Christ, and in this, the influence of his teaching still lives though he has long since passed away.

In 1858 the congregation was visited by Rev. Joshua Green, the state evangelist. The academy building in which the congregation worshiped was inadequate to accommodate the people who came to hear him, and he preached under a large brush arbor built for the purpose, just to the rear of where the academy now stands, and the meetings were characterized by a wonderful manifestation of the power and presence of the Spirit.

Mr. Green was endowed with the natural gifts of an orator, his manner and address were attractive, and all who heard him were charmed by his eloquence and convinced, as delivering his message, he proclaimed the truths of the gospel, and the church at Mt. Holly was especially benefited and strengthened by his ministrations.

In 1854 the Rev. Mr. McKee visited Mt. Holly at the invitation of the church session with a view of being employed to relieve Mr. Hogue from preaching, so as to enable him to devote his whole time to the duties of the school. As a preacher he was strong, forceful and instructive. A doctrinal sermon preached by request, was especially commented on as a clear and convincing statement of the tenets of the church, and it is still remembered as an unanswerable argument in favor of its faith and practice. After filling the pulpit for near a year he de-

clined a permanent call, and leaving the church still in charge of Mr. Hogue, returned to Indiana.

No reference to the Mt. Holly Church would be complete without the mention of the Rev. A. R. Banks, who came from South Carolina in 1836 and settled at Spring Hill in Hempstead County. Mrs. Banks was educated at the celebrated school of Mrs. Willard at Troy, New York, and on her arrival at Spring Hill opened a female school which was liberally patronized by the people of Hempstead and the adjoining counties. In 1847 or 1848 the school was moved to Minden, Louisiana, but was subsequently transferred to ElDorado in Union County, Arkansas, then a prosperous and growing town, on account of the superior advantges it offered for larger patronage and greater usefulness.

Mrs. Banks' scholarly attainments have rarely been equaled, and her aptitude for imparting instruction admirably qualified her as principal of a female school of the highest grade of excellence. Her school was never located at Mt. Holly, but was liberally patronized by members of the Mt. Holly Church, whose daughters commencing with her at Spring Hill, followed her to Minden, and then finished their school days with her at ElDorado. And many are now living of the descendants of those she educated who will say "My mother received her training in Mrs. Banks' school and it was her constant care to implant the fear of God and love of virtue in my childhood's heart."

Much of Mr. Banks' time was necessarily devoted to assisting Mrs. Banks in the management of the school, but he never failed to respond to all calls for his services as a minister, and there was no church in the bounds of the Presbytery prior to 1850, which had not received the benefit of his ministrations. For a time after Mrs. Banks' death, his residence was at Mt. Holly, but his last work in life was at Rocky Mound in Louisiana

After Mr. Hogue's withdrawal from the pastorate, the church was served by the Rev. J. S. Barr as stated supply. Mrs. Barr's health was delicate and after occupying the pulpit for near two years he returned with her to North Carolina whence they came.

The Rev. Mr. Beaty, a Scotch Presbyterian, then preached with some regularity until 1860, when, as the church records show, the pulpit was occupied by the Rev. M. A. Patterson.

Mr. Hogue was followed in charge of the school by Thomas E. Watts, a native of North Carolina and a graduate of Davidson College. Under the administration of Mr. Watts the school maintained its high standard and lost none of its patronage, but when war was declared in 1861, Mr. Watts and his older pupils felt it a duty to enlist in the army, and the school at Mt. Holly almost perished like every other material interest in the devastating wake of war. Twelve sons of the elders we have mentioned, members of the church and pupils of the school, enlisted in the army. Three were slain in battle; three died in hospitals and three of those who returned reached home maimed for life. And this is not an exceptional record, but illustrates the sacrifices made by the people of the South to maintain their rights.

On Sunday March 20, 1858, an entry in the minutes of the session says that there was a sermon by the Rev. M. A. Patterson, a visiting minister from Alabama, and this was the first appearance of Mr. Patterson at Mt. Holly.

Again, on March 18, 1860, the minutes report that the session was opened by prayer by Rev. M. A. Patterson moderator, who had been called to the pastorate by the church. Mr. John Thompson was this day elected and installed a ruling elder, and the following named persons received on certificates as members: John E. McRae, Mrs. Christian McRae, John B. McRae, Miss Elizabeth McRae, Miss Isabella McRae, Miss Christian McRae, from Pea Ridge Church, Barbour County, Alabama; Thomas E. Watts from Concord Church, North Carolina; W. D. Watts from Tabor Church, North Carolina, and John B. Watts from Scotland Church, Arkansas.

This roll of names conveys an impression of the influence that this accession to its membership was to give to the church, for we find Mr. Patterson installed as its pastor, Mr. Thompson, as a ruling elder, Mr. J. B. Watts and J. B. McRae later became ruling elders, and Mr. W. D. Watts one of its first deacons. Unless it be the entry that announced the organiza-

tion of the church in 1845 none other more important has been recorded in its annals. It dates the beginning of Mr. Patterson's pastorate whose wise council, conservative spirit, judicial temperament and freedom from radicalism, were to be largely instrumental in guiding the membership through the strife and turmoil of a fratricidal war, which left its mark on each brow, its shadow on every heart.

The church records are silent during these fateful years of strife and carnage, but it is believed that by his influence the church at Mt. Holly was less torn by the contending passions that the war engendered than many of its sister churches. Mr. Patterson occupied the pulpit until 1868 and during his long pastorate, extending over the most critical period in the history of the State, the church was harmonized by his conservatism, and the community benefited by his example. Quiet in his disposition and scholarly in his tastes, his sermons were earnest and affectionate appeals to the hearts and consciences of his hearers, proclaiming with unshaken constancy the doctrine that "All things whatsoever ye would that men should do to you, do you even so to them," as a corollary to the divine injunction "Fear God and keep his commandments; for this is the whole duty of man." After retiring from the active work of the ministry he lived on his farm a few miles from the church, and in the bosom of his family, but always ready to answer any call for his services and prepared for any good word or work, he thus passed the remainder of his useful life.

Mr. Thomas E. Watts has been mentioned as succeeding Mr. Hogue in charge of the school and resigning to enter the army in 1861. After the close of the war he returned to Mt. Holly and again assumed charge of the school, but died greatly regretted in 1866. Mr. Patterson was then asked to take charge of the school and did so until the services of the Rev. Dr. Gilland were secured, who also succeeded Mr. Patterson in charge of the church and filled the pulpit for perhaps a year.

Dr. Gilland had been for a number of years a professor in Davidson College, North Carolina, and for a time its president. He was an accomplished scholar and an eloquent divine, but like many others, as a result of the war, was driven to seek em-

ployment and commence life anew in the West. The Mt. Holly church and school, owing to the impoverished condition of the people, were unable to retain his services, and he accepted a call to a church in Mississippi. As the successor of Dr. Gilland, Mr. Robert North was principal of the school for two years, and his father, the Rev. Mr. North, preached irregularly as his health would admit until the Rev. Mr. Boyd was called and occupied the pulpit for a short time. "Old Mr. North," as he was affectionately called, died here and lies buried in the cemetery kindly remembered by all who knew him.

These constant changes in church and school are evidences of the destruction and poverty to which the once prosperous community around Mt. Holly was reduced by the waste and ravages of war. Doubt, despondency and gloom during these fateful years, followed by reconstruction as it was falsely called, a condition worse than war itself after hostilities had ceased, paralyzed every industry and almost obscured every ray of hope that the future would bring relief. And the church and school equally with every other interest languished from its blighting influence. But notwithstanding the land was desolate because of wickedness enthroned in high places, the seed previously sown had fallen on good ground, and resting on God's sure promise, "That to you and your children who have been brought up in the way they should go" "Strength shall be renewed by waiting," the Mt. Holly Church turned confidently to the future. In 1868 the Rev. George Eagleton accepted a call to the pastorate and came in the fall of that year with his family from Tennessee. The church at once felt the impulse of his ardent, energetic nature, and was reorganized and put on a working basis, such as had not been known in the past. Mr. Joe Lewis and J. B. Watts were added to the eldership, J. B. Watts and John M. McRae were elected and installed deacons, an office not previously filled; the sessions of the church were held more regularly, committees were appointed to look after its various interests and report thereon, a systematic plan of visitation to the families of the congregation was adopted, Sunday afternoon prayer meetings were held in private houses, and every possible means that could be devised was put in opera-

tion to gather together the scattered membership and restore the church to its pristine influence.

Mr. Eagleton was installed in July, 1869, the first installation in the church, and his ministry marked the largest growth in membership, notably the year 1869 witnessing a revival in which the youth of the church, and many theretofore outside of any church affiliation said, "Let others do as they will; we will serve the Lord." L. A. Black, Gideon Caldwell and W. L. B. Parker were now added to the eldership, and the congregation moved from the academy where it had long worshiped, to a new church building soon to be dedicated to the Lord.

Mr. Eagleton accepted the call to a church at Ladonia in Texas in 1878, and the termination of his pastorate brings this narrative down to a time within the memory of many now living. He was succeeded in charge by the Rev. E. M. Monroe, who occupied the pulpit until 1887, when he accepted the call to a church in Milford, Texas. The Rev. Rufus Hammond, as Mr. Monroe's successor, had charge until transferred to a Presbytery in western Texas and was succeeded by the Rev. H. L. Paisley, who occupied the pulpit for two years and was followed by the Rev. Mr. F. J. McKenzie, the minister now in charge.

Following Mr. Robert North in 1871, the school came under the management of Captain W. Y. Chester as principal. His long experience as a teacher admirably equipped him for the duties of his profession. As a pupil he was trained under the teaching of Mr. Hogue and subsequently graduated at the University of Virginia, and under his control the school was restored to its former efficiency. Captain Chester was in charge of the school until 1882 when it was organized under the public school system. But even the casual observer who now visits Mt. Holly will readily see that that community is still influenced by the principles laid deep in right living by the forbears of those who still reside there; and that neither change of methods nor the vicissitudes of time have caused them to forget their early training, or depart from "the way they should go;" nor has the influence of their lives been local, for as we have seen there are those scattered over the land, some prominent in the church,

some occupying first places in the professions and in the services of the State, and others in less prominent positions, but whose vocations are no less useful and honorable, who trace whatever success has come into their lives to the moral and intellectual training received in the church and school at Mt. Holly, and this influence wide spread and ever increasing, is aptly illustrated in the permanence of the doctrine taught by Wickliff, which the powers of the world endeavored vainly to suppress,—for:

> "The Avon to the Severn runs,
> The Severn to the sea,
> So Wickliff's dust was spread abroad
> Wide as the waters be."

It may not now be amiss to return to the leaders who gave character to this community in its early founding, and prominence to a church that exercised a salutary influence throughout the Presbytery. The records of the church session were irregularly kept, but we find that Mr. Samuel D. Strain died in Texas on the 16th day of July, 1864; that he was ordained an elder at the organization of the church and filled that office for nearly twenty years with fidelity and the cordial approval of the congregation; that he was an honest man, and an Israelite in whom there was no guile.

Of the death of E. W. Wright, the next member of the original bench of elders to be called away, there is no sessional record. He died at his home five miles east of the church in 1867. Reconstruction was then at its height; the voice of reason was hushed, and discord and demoralization reigned supreme. It is known of him that he faithfully and conscientiously discharged the duties that his vows as ruling elder enjoined; that he was devoted to the principles, the tenets and the teachings of the church; that his life was singularly pure; that his character as a citizen was clean and above reproach; that his sterling integrity put duty above all worldly considerations, and to fear God and keep his commandments was the actuating principle of his life.

Of C. L. McRae, the third of the original elders to pass away, the record says:

"He was our brother, our counsellor and our friend. Our brother, for he was bound to us by the strongest ties of Christian love and friendship; our counsellor, because in the vicissitudes of a long official life this session could almost implicitly rely on his judgment and advice; our friend, because the purest emotions of the human heart, faith, love and charity awakened an echo and found a dwelling place in his bosom. Ordained an elder at the organization of the church in 1845, in all the intervening years until his death in 1887, by a Godly life and conversation as in the sight of God, he discharged every duty faithfully and well, and has gone with as pure a record as human effort could make to his reward."

Of Dr. Chas. Chester, the last of these consecrated elders by whose example the community in which their lives were spent was influenced, the temporal interests of the church managed, and its spiritual needs provided for, the church record makes no mention other than as his name appears on its pages as clerk of the session, and a delegate to presbyteries, Synod and the General Assembly.

How we wish the records had been more perfectly kept, for

"Striving to tell our woes, words will not come,
Light cares speak, when mighty griefs are dumb."

And when Dr. Chester laid down the burden of life and drew the drapery of his couch around him, no one could tell where to find his successor. For half a century he had been intimately associated with this community as a physician, and during all these years a ruling elder in the church, but as a superintendent of the Sunday school he is most affectionately remembered. Here the impress of his life and labor of love will live long after those who sat under his teaching have folded their arms in their last sleep. Full of years, with the consciousness of duty well performed, Dr. Chester heard the whisper, "Rest, your work is done," and died at his home just in front of the church in 1894.

John Thompson and Joseph Lewis were also strong and influential members of Mt. Holly Church.

"They were two friends whose lives were undivided;
For their two hearts in life were single hearted."

Both united with the church among its first members and became ruling elders.

When the growing infirmities of age rendered Mr. Thompson incapable of longer performing the duties of life, he re-

turned to Tennessee from which State he came, and among his relatives and friends quietly passed the remaining years of an upright and Godly life.

The record says of Mr. Lewis, "He was a brother beloved; a man who feared God and shunned the very appearance of evil, a ruler in God's house, who took heed unto himself and the flock over which he had been made overseer."

The testimony to Mr. J. B. Watts is, "The church has lost a zealous member who manifested a deep interest in its welfare, and the session an earnest and faithful associate, whose safe judgment and wise council will be greatly missed."

To Mr. John B. McRae, the last of this aggregation of extraordinary men with whom the church and school at Mt. Holly and that community were so long favored, the record bears this testimony: "His whole life, both private and official, was a blessing to this community. For forty years his example was a wholesome factor in moulding the character of his associates, and for twenty years in giving council as an elder in the church." He died at his home near Mt. Holly in 1900.

GRAVES OF EMINENT MEN.

By J. S. Utley.[1]

Jas. S. Conway.

Born in Greene County, Tennessee, 1796; second son of Thomas and Ann Conway; came to St. Louis in 1816; removed to Arkansas Territory in 1820; in 1826 settled on a farm on Red River in Lafayette County; surveyed the western boundary of the Territory in 1825 and the southern in 1831; surveyor general in 1832; governor of the State, 1836-1840; retired at the close of his term and spent the rest of his life on the farm; buried at Walnut Hill in the Conway graveyard; grave is marked by a marble monument about six feet high inscribed as follows:

"J. S. Conway, son of Thomas and Ann Conway. Born Dec. 9, 1796, died May 3, 1855."

Sources of Information: Hempstead's Pictorial History of Arkansas, p. 263; Shinn's School History of Arkansas, p. 122; Reynolds' Makers of Arkansas History, p. 169; Hallum's Biographical and Pictorial History of Arkansas, p. 52; W. C. Bradley of Walnut Hill.

Henry W. Conway.

Brother of Jas. S. Conway; helped to lay out the city of Little Rock; was at one time postmaster of Little Rock; delegate to congress from Arkansas, 1823-1827; killed in a duel with Robert Crittenden in 1827; buried at Arkansas Post; grave was originally marked by a brick enclosure covered with a marble slab, over all of which was a marble shaft erected by his brother, Jas. S. Conway. On the shaft were these words:

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[1]Joseph S. Utley was born on a farm near Greenbrier in Faulkner County, Arkansas, October 18, 1876. He received his elementary education in the rural schools. Beginning in 1894 he taught several years in the country schools of his native county. In the fall of 1897 he entered Hendrix College, graduating in 1906. He was principal of the public school at Ashdown from 1902 to 1904. Mr. Utley taught history and French in the Clary Training School from 1906 to 1908. He was admitted to the bar at Benton, Arkansas, in September, 1907, and is now a member of the firm of Cooper & Utley of that place. In 1903 he married Miss Vivian Williams of Conway.—Editor.

"Sacred to the memory of Henry W. Conway who was born in Tennessee, 18th March, 1793; entered the United States army as ensign in 1812; was promoted to second lieutenant in 1813. Fought at Fort Boyer, Mobile Point (commanded by Captain Lawrence) at the defeat of the British fleet and land forces and the destruction of the Commodore's vessel in 1814; was retained in the service as first lieutenant in the peace; resigned and received an appointment in the treasury department at the city of Washington in 1817; resigned and emigrated to Missouri in 1818; emigrated to Arkansas in 1820, having been appointed receiver of public moneys; resigned and was elected delegate to congress in 1823; was re-elected in 1825 and 1827 by large majorities. Was unfortunately mortally wounded in a duel with Robert Crittenden on the 29th October, and died 9th November, 1827, aged 34 years, 7 months and 21 days, deeply lamented by all who knew him.

"This tomb is erected as a small memento of his great worth by his devoted brother, Jas. S. Conway."

The vault and the slab originally enclosing his grave have been almost destroyed by falling timber and the grave is in a neglected condition.

SOURCES OF INFORMATION: Hempstead's Pictorial History of Arkansas, pp. 215 and 776; Reynolds' Makers of Arkansas History, p. 168; Shinn's School History of Arkansas, p. 94; Hallum's Biographical and Pictorial History of Arkansas, p. 47; Col. W. H. HalliBurton of Dewitt.

GEN. JAS. H. MCBRIDE.

Born in Harrodsburg, Kentucky, in 1813; went to Missouri when a young man and began practicing law; circuit judge of his district in 1858; resigned in 1861 and was appointed brigadier general in the state service by Governor Clabe Jackson; displayed great bravery at Oak Hill; after this, he resigned his position in the state service and was appointed brigadier general in the Confederate service by President Davis; in 1863 he resigned his position in the army on account of ill health and started south with his family; at Bluffton in Yell County, his condition became so critical that he was forced to stop; died and was buried at Bluffton. His grave is unmarked and but few if any of the oldest citizens of the community could now point out the exact spot.

Judge P. J. McCall, from whom this information was obtained, writes that his father knew General McBride in the army, as did several others of his acquaintance who are yet living, particularly, Captain R. B. Parks and H. P. Berry. The mother of Judge McCall visited the family of General McBride during the general's illness. Judge McCall's address is Shark, Arkansas.

John Selden Roane.

Born in Wilson County, Tennessee, January 8, 1817; graduated from a college at Princeton, Kentucky; came to Arkansas in 1836; studied law under his brother, Sam C. Roane; settled at Pine Bluff in 1837; moved to Van Buren in 1842; lieutenant colonel in Yell's regiment in the Mexican War; governor of Arkansas, 1849-1852; active in raising troops for the Confederacy in 1861 and was made brigadier general; married to Miss Mary Kim Smith, daughter of General Nat Smith of Tulip, Arkansas.

Governor Roane died rather suddenly of neuralgia of the brain in 1867. He was buried in Oakland cemetery in Little Rock. His grave is marked by a neat marble monument erected by devoted friends. This monument is inscribed as follows:

"John Selden Roane, Governor of Arkansas from 1849 to 1852. Born Jan. 8, 1817, died April 7, 1867."

Sources of Information: Sketch of career—Hempstead's Pictorial History of Arkansas, pp. 318-320; Mrs. Mary K. Roane of Tulip, Arkansas.

Note: The death of Mrs. Roane has occurred since the above was written. She has a daughter, Mrs. Lem Smith, who is living at Tulip and can doubtless give any information desired concerning Governor Roane.

Chester Ashley.

Born in Amherst, Massachusetts, in 1791; taken by his parents to New York where he was given good training in the elementary and high schools; afterwards graduated with honors from Williams College; took a law course at Litchfield, Connecticut; went to Illinois and afterwards to St. Louis, Missouri, where he practiced law for about a year; came to Little Rock in 1820; married in 1821 to Miss Mary W. W. Elliott of Cape Girardeau, Missouri; elected to the United States senate in 1844 and again in 1847; died in 1848 in Washington City; buried in Mt. Holly cemetery, Little Rock. His grave is marked by a handsome white marble monument inscribed as follows:

"Sacred to the memory of Chester Ashley who departed this life in Washington City April 29, 1848, in the 57th year of his age.

" 'Blessed is he whose transgression is forgiven; whose sin is covered.' 'The Lord is nigh unto all them that call upon him in truth.'

"Dedicated by his wife and children."

Sources of Information: Sketch of career—Hempstead's Pictorial History of Arkansas, pp. 763-4; Reynolds' Makers of Arkansas History, pp. 213-19.

Sterling R. Cockrill.

Born in Nashville, Tennessee, September 26, 1847; volunteer in the Confederate army at the age of sixteen; did good service all through the war; graduated at Washington College at Lexington, Virginia; graduated from the law department of Cumberland University in 1870; began practicing law at Little Rock in the year of his graduation from the law school; law partner of Augustus H. Garland in 1874; elected chief justice of the supreme court of Arkansas on the death of Elbert H. English in 1884; reelected in 1888, serving till 1893; married in 1872 to Miss Ashley Freeman, a granddaughter of Chester Ashley. His grave is marked by a monument of gray marble inscribed as follows:

"Sterling Robertson Cockrill, lawyer and judge. Chief justice of the supreme court of Arkansas, 1884-1893."

Source of Information: Sketch of career—Hempstead's Pictorial History of Arkansas, p. 811.

William Savin Fulton.

Governor Fulton was a graduate of Baltimore College in the class of 1813; studied law in the office of the famous William Pinckney; moved to Nashville, Tennessee, in 1815; began practicing law in 1817; moved to Florence, Alabama, in 1820; elected in 1821 as judge of the county court of Lauderdale County, Alabama; appointed private secretary to General Jackson, in which position he served throughout the Seminole campaign. As his epitaph contains a brief sketch of his career, a further account is omitted here. He is buried in Mt. Holly cemetery at Little Rock. His grave is marked by a white marble monument on a gray stone base. The epitaph is as follows:

"Sacred to the memory of William Savin Fulton, son of David and Elizabeth Fulton. Was born in Cecil County, Maryland, June 2, 1795. Married to Matilda Nowland at Florence, Alabama, Feb. 9, 1825. In 1829 appointed by Pres. Jackson secretary, and in 1835, governor of the Territory of Arkansas. In 1836 and again in 1840 elected a senator for the State of Arkansas in the congress of the United States. Died at

Rosewood Aug. 15, 1844, in the 50th year of his age. Dedicated by his wife and children."

SOURCE OF INFORMATION: Sketch of career—Hallum's Biographical History of Arkansas, p. 183 et seq.

DANDRIDGE MCRAE.

Born in Alabama, October 10, 1829; graduated at the State University of South Carolina in 1849; admitted to the bar in Arkansas in 1854; active in raising troops in the war and was finally made brigadier general; married January 10, 1855, to Miss Angie Lewis. He was a great promoter of industrial expositions and was several times honored with important positions on commissions for the promotion of such enterprises. Was at one time deputy secretary of state, which position he filled with ability.

General McRae died April 23, 1889, and was buried at Searcy in Oak Grove cemetery. There is no monument at his grave but his last resting place is tenderly cared for by his relatives and friends.

SOURCES OF INFORMATION: Hempstead's Pictorial History of Arkansas, pp. 1014-15; Mrs. Annie McRae Neely of Searcy, Arkansas.

CHAS. P. BERTRAND.

Born in New York city November 3, 1808; came to Little Rock early in its history; became a lawyer of great ability; started the *Advocate* in 1830, the second newspaper in the State; continued to be the editor and proprietor till 1835; married in 1836 to Mary H. Morris at Frankfort, Kentucky. He died August 27, 1865, and was buried at Little Rock in Mt. Holly cemetery. His grave is marked by a large stone chiseled in the form of an urn. On this monument are these words:

"To the memory of Chas. P. Bertrand. Born in New York city, Nov. 28, 1808. Married at Frankfort, Ky., April 28, 1836, to Mary H. Morris. Died in Little Rock, Arkansas, Aug. 27, 1865. 'Blessed are the dead which die in the Lord from henceforth; yea, saith the Spirit, that they may rest from their labors; and their works do follow them'—Rev. xiv—13."

SOURCES OF INFORMATION: Sketch of career—Hempstead's Pictorial History of Arkansas, p. 766; Pope's Early Days in Arkansas, p. 114.

Thomas W. Newton.

Born at Alexandria, Virginia, January 18, 1804; came to Arkansas Post in 1818 and was mail carrier from there to Little Rock till 1822; in 1822 moved to Little Rock; studied law under Robert Crittenden; was deputy clerk and recorder in 1822; deputy postmaster under Henry W. Conway in 1823; appointed postmaster August 23, 1823; secretary of the legislative council of the territorial legislature in 1823; re-elected in 1825 and again in 1827; postmaster again in 1828; removed to Kentucky in 1829 but returned to Arkansas about 1834; cashier for the famous Real Estate Bank; United States marshal in 1844; member of congress in 1847; died in New York city September 22, 1853; buried in Mt. Holly cemetery. He was twice married—first to Miss Mary K. Allen of Shelbyville, Kentucky, and second, to Amelia Cordell of Missouri. Newton's grave is marked by a neat marble monument inscribed as follows:

"Thos. W. Newton, born at Alexandria, Va., Jan. 18, 1804, died in New York city, Sept. 22, 1853."

Source of Information: Sketch of career—Hempstead's Pictorial History of Arkansas, pp. 767-8.

Cephas Washburn.

Born in Vermont, July 25, 1703; educated in the university of his native state; studied theology in Andover Seminary; ordained as a missionary to the Cherokees; went first to Georgia but remained there only a short time; sent by the American Board of Missions to establish a mission in Arkansas; founded Old Dwight mission about four miles west of the present town of Russellville. Signs of this mission are still to be seen. On their way to this mission, Washburn and the missionary sent with him stopped at Arkansas Post and preached several times. Washburn preached the first sermon ever preached in Little Rock. He was a passenger on the first steamboat that ever passed above Arkansas Post. He remained at Dwight till 1828, when, by treaty, the Indians were moved further west.

After Mr. Washburn quit missionary work, he labored among the white people of the State as a regular minister. His first settlement was in Benton County where he taught school

and preached for about ten years. Next, he was pastor of a Presbyterian church at Ft. Smith. In 1855 he moved to Norristown between the present towns of Dardanelle and Russellville. He labored from 1855 to 1859 as synodical evangelist. He was on his way to Helena to hold a series of evangelistic meetings when he was stricken with pneumonia and died at the home of his lifelong friend, Dr. R. L. Dodge, at Little Rock, March 17, 1860.

Washburn's body rests in Mt. Holly cemetery in Little Rock. His grave is marked by a plain marble slab inscribed as follows:

"Here lies the body of Rev. Cephas Washburn who departed this life in hope of a blessed immortality, at Little Rock, Ark., March 17, 1860, in the 68th year of his age. For many years an earnest, laborious, and successful missionary among the Cherokee Indians, first in Georgia, then in Arkansas and the Indian Territory. His last years were spent in missionary work among the people of Arkansas. By his side rests the body of his son, Edward, the painter of the Arkansas Traveler, who departed this life March 27, 1860."

SOURCES OF INFORMATION: Mrs. Emma Black of Russellville, Ark.; Hon. D. Porter West's Early History of Pope County.

BENJAMIN JOHNSON.

Kentuckian by birth; appointed one of the three judges for the Territory of Arkansas in 1819; remained in that office till 1836 when Arkansas was admitted into the Union; immediately appointed United States district judge with the whole State for his district; held this position till his death in 1849.

The body of Judge Johnson rests in Mt. Holly cemetery. In 1850 there was erected to his memory a monument—a shaft of white marble which bears the following inscription:

"Benjamin Johnson, born A. D., 1784, died Oct. 2, A. D., 1849. Upright as a man, exemplary as a Christian, and eminent as a judge, he descended to the grave full of years, respected by his fellowmen, and mourned by a large family."

SOURCE OF INFORMATION: Col. Ben S. Johnson of Little Rock.

COLONEL T. M. GUNTER.

Born in Tennessee September 18, 1826; graduated at Irving College in 1850; colonel of a regiment of Arkansas volunteers in the war; prosecuting attorney in 1866; member of congress,

1875-1883; buried in Evergreen cemetery at Fayetteville. In the center of the Gunter lot is a stone of Vermont granite erected to the family. This stone rests on a base five feet by three and is about six feet high. On this family stone is the word "Gunter," and on the plain white marble slab at Colonel Gunter's grave is the inscription:

"Thomas Montague Gunter, born Warren, Tennessee. 1824-1904."

SOURCES OF INFORMATION: Miss Edna Jordan of Fayetteville kindly furnished the facts about burial place; sketch was taken from Hempstead's Pictorial History of Arkansas, p. 942.

J. D. WALKER.

Born in Logan County, Kentucky, December 13, 1830; came to Arkansas in 1847; educated in the private schools of Kentucky and at Ozark Institute in Arkansas; admitted to the bar at Fayetteville in 1850; colonel of a regiment in the Confederate army; after the war resumed law practice; was solicitor general of Arkansas but resigned and continued the practice of law; presidential elector for the State at large in 1876 and voted for Tilden; United States senator, 1879-1885.

Mr. Walker was a son-in-law of Judge David Walker of Fayetteville. His law practice was done mostly at that place. He was buried at Fayetteville in the Walker cemetery on East Mountain. As yet his grave is unmarked, but his relatives are preparing to erect a monument to his memory.

SOURCES OF INFORMATION: Sketch taken from Hempstead's Pictorial History of Arkansas, p. 940; facts about burial place were kindly furnished by Miss Edna Jordan of Fayetteville.

GENERAL PATRICK R. CLEBURNE.

Born near Cork, Ireland, March 17, 1828; came to America in 1849; settled in Cincinnati, Ohio, and was engaged by a druggist; moved to Arkansas and was employed by the drug firm of Grant & Nash of Helena; later he bought out Nash and the firm became Grant & Cleburne; gave up the drug business and read law in the office of Thos. B. Hanley, being admitted to the bar in 1856; became a successful lawyer; enlisted as a private in Yell's Rifles but eventually rose to the rank of major general; had a military record of unusual brilliancy; was killed at the

battle of Franklin, Tennessee, November 30, 1864; remains were brought to Helena in 1869 by the Ladies' Memorial Association and interred in the Confederate cemetery there. His grave is marked by a monument of Carrara marble about fifteen feet high inscribed as follows:

"Patrick Ronayne Cleburne, Major General, C. S. A., born in County Cork, Ireland, March 17, 1828; killed at the battle of Franklin, Nov. 30, 1864."

In another place on the monument are these words: "Missionary Ridge," while in still another is the word "Chickamauga," and just under this is a quotation from Virginia Frazer Boyle's poem, "The Death of Cleburne." On the first stone base and underneath the first inscription given above is the quotation, *"Dulce et decorum est pro patria mori."*

The monument was erected by the Ladies' Memorial Association of Phillips County assisted by the men.

SOURCES OF INFORMATION: Sketch was taken from Hempstead's pictorial History of Arkansas, p. 889; facts about burial place furnished by kindness of Miss Jessie Thompson, of Helena, Ark.

GOVERNOR GEORGE IZARD.

Born in Charleston, South Carolina, in September, 1777. He was highly educated, his learning being obtained in Paris, France, Columbia College, New York, and in England and Germany. Appointed in 1794 as lieutenant in the United States army; appointed in the War of 1812 as colonel of the second artillery and was promoted to the position of brigadier general and afterwards to that of major general; appointed governor of Arkansas Territory by President Adams in 1825 and served in that capacity till his death on November 22, 1828. He was buried at first in the old cemetery where the Peabody school now stands, but was taken later to the Ashley lot in Mt. Holly cemetery by order of Colonel Ashley himself. Izard's grave is marked by a plain white tablet which is inscribed as follows:

"Here lie the remains of George Izard of South Carolina, formerly major general, United States army, late governor of Arkansas Territory, who died November 22, 1828, aged 53 years."

SOURCES OF INFORMATION: Sketch, Hempstead's Pictorial History of Arkansas, pp. 205-209; Shinn's School History of Arkansas, p. 97; Hal-

lum's Biographical and Pictorial History of Arkansas, pp. 133-134 (which is quoted by Hallum from an article in the *Gazette* of March 20, 1886, written by Hon. C. B. Moore, now of Texarkana, Ark.)

William E. Woodruff, Sr.

Born on Christmas Eve Day, 1795, near Bellport, Long Island. His father died when young Woodruff was only thirteen years of age. Woodruff's maternal grandfather, William Clarke, was an American captain in the Revolutionary war. When the elder Woodruff died Mrs. Woodruff apprenticed her son to a printer for seven years at twenty dollars a year and board. The certificate of recommendation which Woodruff received from this printer at the close of the apprenticeship was one of the things of which he was most proud.

Mr. Woodruff served in part of the War of 1812 as a private soldier. He was a contemporary and acquaintance of John and James Harper and of Captain Bonneville whom Washington Irving has immortalized. In 1817 he decided to go west. He went to Wheeling, West Virginia, where he and a companion purchased a skiff and rowed down the Ohio to where Louisville now stands. After remaining for some months he walked to Russellville, Kentucky, and then to Franklin, Tennessee. At Nashville he worked for Henry Vanpelt, the founder of the *Memphis Appeal.* He came to Arkansas Post in 1819 and established the *Gazette.* In 1821 he moved to Little Rock where he continued the *Gazette,* a Democratic paper of the Jacksonian type.

In 1838 he sold out his interest in the *Gazette,* repurchased in 1841 and sold again in 1843. In 1846 he established the *Arkansas Democrat.* He purchased the *Gazette* again in 1850 and consolidated it with the *Democrat* as the *Gazette* and *Democrat.* In 1853 he retired permanently from the newspaper business.

Woodruff died in Little Rock June 19, 1885. He is buried in Mt. Holly cemetery in Little Rock. No monument marks his grave but the family are preparing to erect one soon. The following children survive him: Mrs. J. N. Jabine, Mrs. Samuel S. Bell, Mrs. C. R. Vaughan, Mrs. J. A. Martin, Miss Jane Georgine Woodruff, and Chester Ashley Woodruff.

Sources of Information: Papers printed at the time of Woodruff's death, especially the *Democrat, Gazette,* and Pine Bluff *Press Appeal;* Mrs. Mary E. Bell of Little Rock.

Archibald Yell.

Born in North Carolina in 1797; moved when young to Tennessee; came to Arkansas in 1832 as receiver of public moneys of the Little Rock land office but resigned in less than a year; opened a law office in Little Rock in 1833; appointed judge of the superior court in 1835; delegate to congress, 1836-1839; governor of Arkansas, 1840-1844; elected to congress again in 1846 but resigned soon and began raising a regiment for the Mexican War; made colonel of this regiment and was killed at the battle of Buena Vista February 23, 1847.

Governor Yell's body has had three burials. It was first buried on the battlefield where he fell, but was taken up the next summer and carried to Fayetteville and buried on what was known as the Colonel Hunt place. Here it reposed till 1872 when it was again disinterred and buried in Evergreen cemetery at Fayetteville. This grave is marked by a stone of Italian marble one inch thick over a four-sided brick column about six feet high. The epitaph reads as follows:

"Archibald Yell, born in North Carolina, August, 1797. A volunteer in the battle of New Orleans, district judge of Arkansas Territory in 1832; first member of congress from the State; Governor, 1840; elected to congress again, '44; resigned and accepted colonelcy of Arkansas volunteers for the Mexican war, 1846; killed at Buena Vista, February 22, 1847. A gallant soldier, an upright judge, a fearless advocate of popular rights, a sincere friend, an honest man."

Sources of Information: Sketch of career, Hempstead's Pictorial History of Arkansas, pp. 287-289; Shinn's School History of Arkansas, pp. 135-136; facts about burial place were furnished by kindness of Miss Edna Jordan of Fayetteville, Ark.

David Walker.

Born in Kentucky in 1806; educational advantages poor; admitted to the bar; came to Fayetteville in 1830 and in time became the foremost lawyer of northwest Arkansas; entered politics and was successful considering the circumstances under which he labored; prosecuting attorney of the third judicial district, 1833-1835; one of the framers of the constitution of 1836; elected to

the senate in 1840; Whig candidate for congress against Archibald Yell in 1844 but was defeated; elected without his knowledge by the legislature in 1848 as judge of the supreme court; president of the secession convention in 1861; chief justice of the supreme court in 1866, but was driven out on account of the change of government in 1868; member of the supreme court, 1874-1878; died at Fayetteville in 1879. His grave is marked by a plain monument of Italian marble sixteen feet high resting on a stone base. The epitaph is as follows:

"David Walker, born in Kentucky, Feb. 19, 1806, died in Arkansas Sept. 30, 1879. After a long life of honor and usefulness he is at rest."

Sources of Information: Reynolds' Makers of Arkansas History, pp. 138-143; Miss Edna Jordan, of Fayetteville, Ark.

Rt. Rev. Andrew Byrne.

Born in Navan, Ireland, December 5, 1802; while a student at the diocesan seminary at Navan, he volunteered to go with Bishop England to Charleston, South Carolina, where he was ordained November 11, 1827; pastor of St. Mary's at Charleston in 1850; transferred in a few years to New York where he became noted as a preacher; first bishop of the diocese of Little Rock; traveled over the State extensively and did a great work for the Catholic church; died at Helena, Arkansas, June 10, 1862, and was buried in the convent graveyard there where the body remained till November 30, 1881, when it was transferred by Bishop Fitzgerald to Little Rock and placed in a crypt under the sanctuary of St. Andrew's Cathedral. The epitaph on the tomb of Bishop Byrne is as follows:

"In pace. Prid. Kal. Dec. 1881 in hac Ecclesia deposita fuere ossa et reliquiae Andrea Byrne Primi. Petric. Episcopi novissimae Tubae vocem expectantis quae mortale hoc immortalitatem induere jubebit. Natus Navan in Hibernia III non. Dec. 1802. Consecratus Eboraci VI Id Martii 1844 functus vita Helenae in Ark. IV Id Junii 1862."

Sources of Information: Rt. Rev. J. M. Lucey's "The Catholic Church in Arkansas," pp. 16, 17 and 23; Father P. Enright, rector of St. Andrew's Cathedral, Little Rock; Rt. Rev. J. M. Lucey, Pine Bluff; Shinn's School History of Arkansas, p. 166.

Saracen.

Famous Indian chief of the Quapaw tribe. On one occasion a roving band of Chickasaws stole some children from a

trapper's family. Hearing of the distress of the parents, Saracen went to them and offered to rescue the captive children. He followed the robbers and overtook them near Arkansas Post, and, unaided, sprang into their midst with his Indian war whoop and rescued the children. For this deed he has been kindly remembered by the people of Arkansas. Saracen received the Catholic missionaries sent to his people, and, after the Catholic faith was explained to them, his tribe assisted at the mass. In 1829, Saracen, then over ninety years of age, knowing that his life was almost over, came back from the Quapaw reservation in the Indian Territory to Little Rock and begged Governor Pope to allow him to spend the rest of his life on his old hunting grounds near Pine Bluff and his request was granted.

The Catholics of Pine Bluff placed a memorial window to Saracen in St. Joseph's church in 1888. The body of Saracen has also been moved from the public cemetery where it was first buried and has been placed in the Catholic cemetery at St. Joseph's church. It is the purpose of the pastor and his people to gather in their cemetery the bodies of Saracen's family and bury them by his side, though the task of finding the bodies is a most difficult one. When all the members of the family are brought together, a suitable monument will be erected to the memory of the tribe.

SOURCE OF INFORMATION: Rt. Rev. J. M. Lucey of Pine Bluff.

ISAAC MURPHY.

Born in Pennsylvania in 1799; moved to Arkansas in 1834; prominent as a teacher in the northwestern part of the State about 1840; member of the legislature in 1848; settled at Huntsville in 1854; senator in 1856; delegate to the convention in 1861, being the only one to cast a vote against secession; member of Curtis' staff in 1863; entered Little Rock with General Steele; Union governor in time of the war; died in 1882 and was buried at Huntsville. His grave is marked by a plain marble headstone erected by his granddaughter, Mrs. Flora B. Cameron, of Waco, Texas. On this stone are these words:

"Isaac Murphy, born Oct. 16, 1799, died Sept. 8, 1882. 8th Gov. of Ark. His administration was wise and economical. His trust was in God."

SOURCES OF INFORMATION: Shinn's School History of Arkansas, p. 195; Mr. A. Lowe, Huntsville, Ark.

Note: Mr. Lowe is a grandson of Gov. Murphy and can doubtless give any information desired concerning his life.

JOSEPH BROOKS.

Famous for the part which he played in the Brooks-Baxter War. Prominent figure in the constitutional convention of 1868. He is buried in the family lot in Bellefontaine cemetery in St. Louis. His grave is not marked.

SOURCES OF INFORMATION: Hon. William G. Whipple, of Little Rock; Miss Ida Joe Brooks, of Little Rock, a daughter of the subject of this sketch.

ELIAS NELSON CONWAY.

Born at Greenville, Tennessee, May 17, 1812; moved to Arkansas in 1833; auditor of state, 1835-1849; nominated for governor in 1842 but declined the honor; governor, 1852-1860; greatly interested in internal improvements; led the fight to eradicate the evils growing out of wild cat banking in Arkansas; died in 1892 and was buried in Mt. Holly cemetery, Little Rock. No monument marks his last resting place, hence no epitaph.

SOURCES OF INFORMATION: Reynolds' Makers of Arkansas History, p. 172-173; Hempstead's Pictorial History of Arkansas, p. 323; Hon. F. E. Conway of Little Rock.

HARRIS FLANAGIN.

Born in New Jersey in 1817; settled in Clark County in 1837 and began practicing law; governor, 1862-1864; died in 1874 and was buried at Arkadelphia in Rose Hill cemetery. His grave is marked by a granite monument eleven feet high and the epitaph is as follows:

"Harris Flanagin, died Oct. 23, 1874, aged 56 years, 11 months and 20 days."

SOURCES OF INFORMATION: Shinn's School History of Arkansas, p. 187; Mayor R. B. Phillips, of Arkadelphia.

Elisha Baxter.

Born in Rutherford County, North Carolina, September 1, 1827; came to Arkansas in 1852, settling at Batesville; engaged in mercantile business at Batesville in 1853; read law under Chancellor Fairchild and was admitted to the bar in 1856; elected to the legislature in 1854 and again in 1858; chief justice of the supreme court under the Murphy government in 1864; in 1868 appointed by Powell Clayton as judge of the third circuit, holding the position for four years; governor, 1872-1874; died in 1899 and was buried at Batesville. His grave is marked by a simple marble slab about four feet high inscribed as follows:

"In memory of Elisha Baxter, born Sept. 1, 1827, died May 31, 1899."

Sources of Information: Hallum's Biographical and Pictorial History of Arkansas, pp. 412-418; Dr. J. H. Kennerly of Batesville, Ark.

Robert Ward Johnson.

Born in Kentucky July 21, 1814; brought to Arkansas by his father in 1820; educated at the Indian academy near Frankfort, Kentucky, and at St. Joseph's College at Bardstown, Kentucky, from which latter institution he graduated in 1833; graduated from Yale law school in 1835; law partner of Samuel E. Hempstead till 1847; appointed prosecuting attorney by Governor Yell in 1840; ex-officio attorney general but resigned in 1842; congressman, 1846-1850; appointed United States senator by Governor Conway in 1853 to fill the unexpired term of Solon Borland and was elected in 1854 by the legislature; member of the provisional congress of the Confederacy; senator in the Confederate congress all during the war; moved to Washington City in 1868 and became the law partner of Albert Pike; returned to Little Rock in 1878 and resumed the practice of the law.

Johnson was married in 1839 to Miss Sarah F. Smith, of Louisville, Kentucky, who died in 1862; was married again in 1863 to Miss Laura Smith, sister of his first wife. He died in 1879 and was buried in Mt. Holly cemetery at Little Rock. His grave is marked by a handsome monument of marble inscribed as follows:

"To the memory of Robert Ward Johnson, born July 21, 1814, died July 26, 1879."

SOURCES OF INFORMATION: Sketch of career—Hempstead's Pictorial History of Arkansas, pp. 775-776.

REVEREND ANDREW HUNTER.

Born in Ireland December 26, 1813; removed to York County, Pennsylvania, and was reared there; hatter by trade; converted and came west as a missionary teacher and located among the Choctaw Indians in northwest Arkansas; licensed to preach in 1836; first sermon was preached to the Indians through an interpreter; filled every position in his conference from circuit rider up to presiding in the absence of the bishop as occurred during the war; delegate to every general conference except two which occurred during his ministerial life of sixty-six years; member of the famous general conference of 1844 which divided the church; state senator in 1866 and was made president of that body by acclamation; elected United States senator by this legislature, but was not allowed to take his seat owing to the relations then existing between the North and the South; nomination for governor was tendered him in 1873, but was declined; superannuated by his conference at his own request after an active ministerial life of fifty-six years.

Dr. Hunter was married to Miss Anna Maria Jones of York, Pennsylvania, who died at their home near Bryant in Saline County, Arkansas, in July, 1896, at the age of seventy-seven years.

While alighting from a street car in Little Rock on May 10, 1902, Dr. Hunter received injuries from which he never recovered; died June 10, 1902, at the home of his son, Andrew J. Hunter, 1521 State street, Little Rock; buried beside his wife on a lot owned by Andrew J. Hunter in Oakland cemetery, Little Rock. His grave has no mark of any kind as yet, but his friend, Rev. J. E. Caldwell of Tulip, Arkansas, has raised a fund through contribution which now awaits the orders of Dr. Hunter's children. The grave is carefully looked after by his children.

SOURCE OF INFORMATION: Mrs. W. P. (Florence Hunter) Field of Little Rock.

Logan H. Roots.

Born in Perry County, Illinois, March 26, 1841; graduated from the State Normal Institute in 1862; chief depot commissary under General Sherman in 1864; collector of internal revenue for the first district of Arkansas in 1867; congressman, 1868-1871; United States marshal for the western district of Arkansas; moved to Little Rock in 1872 and engaged in financial enterprises. He was married in 1871 to Miss Emily M. Blakeslee of New York. He died in 1893 and was buried in Oakland cemetery in Little Rock. His last resting place is marked by a magnificent gray marble shaft on a quadrangular base of the same material. His epitaph is as follows:

"LOGAN H. ROOTS.

Mar. 26, 1841, May 30, 1893. Colonel United States volunteers, 1861-5. Department commander, Grand Army of the Republic. Member of the Society of the Army of Tennessee, and companion Military Order of Loyal Legion, U. S. Grand Master of Freemasons of Arkansas. Grand High Priest of Grand Chapter. Grand Master of Grand Council. Grand Commander of Knights Templars of Arkansas.

"Loyal and true to his country, his family, friends and to Arkansas.
"A servant of the Lord. Faithful unto death."

Source of Information: Sketch of career, Hempstead's Pictorial History of Arkansas, pp. 813-814.

Jas. P. Eagle.

Born in Tennessee in 1837; removed with his father to Arkansas in 1839; attended college after he was thirty years of age and after going through the war; member of the legislature from Prairie County in 1873; member of the constitutional convention of 1874; representative from Lonoke County in 1877 and again in 1885, being made speaker of the house the last time; governor, 1889-1893; lieutenant colonel in the war; prominent minister of the Baptist church, being president of the Baptist State Convention from 1880 to 1905 (exactly a quarter of a century) when he declined re-election. During this period he was three times elected president of the Southern Baptist Convention, the largest and most important organization of Baptists in the world. He was especially active in furthering the educational interests of his church in Arkansas.

Governor Eagle is buried in Mt. Holly cemetery in Little Rock, by the side of his wife who preceded him only a short time. His grave is marked by one of the tallest monuments in the cemetery and the inscription reads:

"Jas. P. Eagle, born Aug. 10, 1837, died Dec. 19, 1904. The separation was short. Willingly I come to dwell forever with thee in our home above."

SOURCES OF INFORMATION: Sketch of career—Shinn's School History of Arkansas, pp. 254-255; Vol. I, Pub. Ark. Hist. Ass'n., p. 152.

MATTHEW LYON.

Born in 1746 in Ireland; removed to the State of New York and later to Vermont where he was congressman, 1797-1801; said to have cast the deciding vote in the contest between Thomas Jefferson and Aaron Burr in 1800; had a son, Crittenden, who at one time represented Kentucky in the congress of the United States; defeated for delegate to congress in 1821 by James Woodson Bates; expelled from congress by the Federalists for an alleged violation of the alien and sedition laws; finally appointed to a government position at Spadra Bluff, Arkansas, where he died in August, 1822, and was buried. His grave is unmarked and correspondence with parties who live near the place reveals the sad fact that but few persons could point out the exact spot of his burial.

SOURCES OF INFORMATION: Pope's Early Days in Arkansas, p. 26; Shinn's School History of Arkansas, p. 85; *Gazette* article by J. H. Shinn in volume for 1907 on Lyon.

GOVERNOR JOHN POPE.

John Pope was born in Virginia. His grandfather, Thomas Pope, was the father of Washington's mother. Governor Pope was educated at William and Mary College at Williamsburg, Virginia, from which institution he graduated with the highest honors. After he had finished the literary course he completed the law course with the same record he had made for scholarship in the literary department. He located in Lexington, Kentucky, in 1794 and began a brilliant career both as a lawyer and as a politician. He represented Shelby County in the legislature in 1802; removed to Fayette and represented this county

in the session of 1806-7; colleague of Henry Clay in this session and of William Russell, who announced the death of John Breckinridge to the house of representatives. He was secretary of state under Governor Slaughter. He was United States senator from 1807 to 1813; defeated for re-election in 1813 on account of his opposition to the War of 1812; nominee of the Federalist party in 1816 against Henry Clay, being defeated in the hardest political fight of his life by the narrow majority of ten votes. Pope was state senator from Washington County, Kentucky, 1825-1829; appointed governor of Arkansas Territory by President Jackson and served till 1835 when he returned to Kentucky and represented his district in congress from 1837 to 1843.

Pope and John Quincy Adams were related, having married sisters, and belonged to the same political party; but owing to personal admiration for Jackson, Pope refused to support Adams for president in 1828; and to reward his faithfulness Jackson appointed him governor of Arkansas.

Pope is one of the few who enjoyed the distinction of representing three different counties in the legislature of Kentucky at different times. He had an arm cut off in a mill when a boy, which fact is said to have been his reason for adopting the law as a profession.

Pope died and was buried at Springfield, Kentucky, where his grave is marked by a shaft of white marble about twenty feet high on which is this inscription:

"The Hon. John Pope, born in Prince William County, Va., Feb. 1773, died in Washington County, Ky., July 12, 1845. Member of the U. S. senate, governor of Arkansas and representative in congress. He was alike distinguished as a profound jurist, a brilliant orator, and enlightened statesman; while his Roman dignity of character, his sterling integrity and truthfulness and his many private virtues threw the loftier halo of his respect and love over the stirring scenes of his public life."

Sources of Information: Reynolds' Makers of Arkansas History, pp. 121-123; Hallum's Biographical and Pictorial History of Arkansas, pp. 163-170; *Evening Gazette* (Lexington, Ky.) of Sept. 27, 1907; Hon. John W. Lewis of Springfield, Ky. It is likely that valuable information could be secured from Hon. W. C. McCord and W. Scott Mays, Esq., both of Springfield, Ky.

James Woodson Bates.

Born in Virginia in 1788; graduated at Princeton in 1810; studied law and went to St. Louis in 1816; removed to Arkan-

sas Post in 1819 and set up a law office; elected in 1819 as Arkansas' first delegate to congress, was re-elected again in 1821, but was defeated by Henry W. Conway in 1823; moved to the new town of Batesville (which was named for him) and began practicing law there; appointed in 1825 by President Jackson as a judge of the superior court of the Territory of Arkansas; moved to Crawford County about 1829 and, marrying a wealthy widow, settled on a large plantation below Van Buren; was a member of the constitutional convention of 1836; afterwards registrar of the land office at Clarksville. He was a brother of Edward Bates, Lincoln's attorney general.

Bates died in 1846 and was buried on what is known as the Moore farm in Sebastian County just across the river from Van Buren. His grave is unmarked.

SOURCES OF INFORMATION: Shinn's School History of Arkansas, pp. 84-85; Hallum's Biographical and Pictorial History of Arkansas, pp. 135-137; Mr. J. E. Lark of Van Buren. After the above was written a very excellent account of the career of Bates reached the writer in the way of an article in the *Arkansas Intelligencer* (Van Buren) of Jan. 16, 1847. This was furnished through the kindness of Miss Clara B. Eno of Van Buren. There is some difference in the accounts given by the authorities, but the differences are not material, so no change was made on the receipt of the copy of the *Intelligencer,* though it is a good article.

Hon. D. W. Moore of Van Buren is a relative of Bates and would doubtless answer any questions addressed to him.

COLONEL FREDERICK NOTREBE.

Came to Arkansas from France about 1810 and settled at Arkansas Post. He was an officer under Napoleon during the Consulate. He devoted his attention to farming after he came to Arkansas County and was a wealthy planter. His daughter, Miss Francine Notrebe, became the wife of William Cummins.

Notrebe died[2] and was buried at Arkansas Post, but the caving of the river's bank has long since carried away the last trace of his grave.

SOURCE OF INFORMATION: Hallum's Biographical and Pictorial History of Arkansas, p. 108.

2. Dr. Reuben G. Twaites says that Mr. Notrebe died of cholera at New Orleans in 1849. See his Early Western Travels, vol. XIII., p. 106, foot note.—Editor.

William K. Sebastian.

Born in Hickman County, Tennessee, in 1812; admitted to the bar when quite young and moved to Arkansas in 1835; prosecuting attorney of the first district in 1836; married in 1838 to Miss Amelia Dunn of Phillips County; judge of first circuit in 1840; resigned judgeship in 1843; appointed associate justice of the supreme court in 1843 by Governor Yell but was defeated for that position in the election of 1844; state senator in 1846 and was elected president of that body; appointed United States senator by Governor Drew in 1848 and was three times elected to that position afterwards; expelled from the United States senate in 1861 for sympathizing too strongly with the South, but the act of expulsion was rescinded in 1878.

I have not been able to obtain the exact date of Senator Sebastian's death. His body rests in an unmarked grave four miles north of Helena.

Sources of Information: Hallum's Biographical and Pictorial History of Arkansas, pp. 269-273; Hon. J. M. Hanks of Helena.

Major Elias Rector.

Major Rector has been immortalized by Pike as the "Fine Old Arkansas Gentleman Close to the Choctaw Line." He was a Virginian and came to Arkansas in 1825. He was a surveyor for some time, but finally entered politics. He was appointed United States marshal for Arkansas and Indian Territory by President Jackson in 1825 and held the office for sixteen years; removed to Ft. Smith in 1837; was superintendent of Indian affairs for several years and was once given $10,000 and a vote of thanks by congress for the admirable way in which he settled our troubles with the Seminoles in Florida.

Major Rector died in 1878 and his body rests in Oak cemetery at Ft. Smith. His grave is marked by a marble monument and the epitaph is as follows:

"Elias Rector, born Sept. 28, 1807, died Nov. 22, 1878."

Sources of Information: Reynolds' Makers of Arkansas History, pp. 192-197; Hon. J. F. Weaver of Ft. Smith.

George C. Watkins.

Born in Shelbyville, Kentucky, in 1815; removed with his father to Little Rock in 1821; received a collegiate education and was graduated from a law school in New Haven, Connecticut; law partner of Chester Ashley in 1837; attorney general of the State in 1848, having previously served as secretary of state *pro tem* in 1837; chief justice of the supreme court in 1852, but resigned in 1864; law partner of James M. Curran, of George A. Gallagher, and of U. M. Rose; married in 1841 to Miss Mary Crease who died in 1855; married again, this time to Mrs. Sophia Curran, daughter of Governor Fulton.

Watkins died in St. Louis in 1872 and was buried in Mt. Holly cemetery at Little Rock. His grave is marked by a white marble monument on a gray granite base, the whole mounted by a fluted column adorned in the Grecian style. His epitaph is as follows:

"'Haud immemor.' George C. Watkins. Some time chief justice of the State of Arkansas. Born in Shelbyville, Ky., Nov. 25, 1815. Died in St. Louis, Mo., Dec. 7. 1872. An upright judge, a faithful citizen, a kind husband and father. He departed this life in hope of a better life to come.

"'Only the memory of the just
" Smells sweet and blossoms in the dust.'"

Source of Information: Sketch of career—Hempstead's Pictorial History of Arkansas, pp. 764-765.

William Cummins.

Born near Louisville, Kentucky, June 11, 1800. He was once a law partner of Absalom Fowler and at another time of Albert Pike. Member of the legislature of 1835 and of the constitutional convention of 1836. Married in 1831 to Miss Frances Notrebe, daughter of the distinguished Frederick Notrebe of Arkansas Post. Died in 1843 and was buried in Mt. Holly cemetery at Little Rock. His grave is marked by a simple marble shaft which bears the words:

"William Cummins, born 1800, died 1843."

Sources of Information: Hempstead's Pictorial History of Arkansas, pp. 769-770; Hon. W. C. Ratcliffe, of Little Rock.

Ebenezer Cummins.

Born in Jefferson County, Kentucky, February 1, 1818; acquired a classical education at Middleton, Kentucky; came to Arkansas in 1838 and read law in the office of Pike and Cummins; law partner of Pike from 1848 till 1854 when Pike moved to New Orleans; formed a partnership with A. H. Garland in 1856; lawyer of national reputation. Died in 1857 and was buried in Mt. Holly cemetery at Little Rock. A plain tablet marks his grave and is inscribed:

"Ebenezer Cummins, born 1818, died 1857."

Sources of Information: Hallum's Biographical and Pictorial History of Arkansas, pp. 108-110; Hon. W. C. Ratcliffe of Little Rock.

Sam W. Williams.

Born August 23, 1828, in South Carolina; came to Washington, Arkansas, in 1842, and to Little Rock in 1843, but moved to Prairie County in 1845; admitted to the bar in 1851; moved back to Little Rock in 1854 and began practicing law; married January 18, 1855, to Miss Mary J. Marshall, of Scott County, who died in 1886; married again in 1888 to a Miss Frances Mumford, of Mumford, New York.

Mr. Williams was appointed attorney general by Governor Elias N. Conway in 1855; raised troops for the Confederacy and was lieutenant colonel of the 17th Arkansas. He was attorney general to succeed Pleasant Jordan. State senator in 1876. He was many times special judge both on the circuit and the supreme bench and showed great ability. In 1878 he was defeated for the Democratic nomination for associate justice of the supreme court by only three votes, Judge John R. Eakin being the successful aspirant. He was prominent on the Baxter side of the Brooks-Baxter controversy.

Mr. Williams died and was buried in Mt. Holly cemetery. His grave is marked by a plain gray granite monument erected by his children as a joint memento to their father and mother. Beyond the date of birth and death there is nothing on the tomb except a statement of his masonic record:

"Grand Master of the Grand Lodge of Arkansas; Grand High Priest of the Grand Chapter; Grand Commander of the Knights Templar,

present order Priesthood, and the Double Eagle, sign of the Scottish Rite masonry."

SOURCES OF INFORMATION: Hallum's Biographical and Pictorial History of Arkansas, pp. 313-318; Hempstead's Pictorial History of Arkansas, pp. 796-797; Hon. J. E. Williams of Little Rock kindly furnished facts about burial place.

WILLIAM R. MILLER.

Born at Batesville November 23, 1823; first native governor; was reared on a farm and attended the rural schools of Independence County; clerk of Independence County, 1848-1854; appointed auditor by Governor Elias N. Conway in 1854; defeated for that place in the elections of that year, but was elected in 1856 and held office till 1864; elected again in 1866 but was turned out by the constitution of 1868; elected again in 1874 and served till elected governor; governor, 1877-1881; auditor again, 1886-1887, when he died. He was buried in Mt. Holly cemetery. As yet no monument marks his grave, but it is the intention of the family to place a joint monument to the memory of Governor Miller and his wife. The two young sons of Hon. J. E. Williams of Little Rock are the only direct descendants of Governor Miller who live in this State.

SOURCES OF INFORMATION: Shinn's School History of Arkansas, pp. 227-228; Hon. J. E. Williams of Little Rock kindly furnished facts about burial place.

REV. JAMES WILSON MOORE.

Born in Pennsylvania September 14, 1797; joined the Presbyterian church at Milton, Pennsylvania, in 1820; studied theology at Princeton; licensed to preach October 18, 1827, by Northumberland (Pennsylvania) Presbytery; ordained as a missionary for Arkansas in the same year; reached Little Rock January 25, 1828, and on the following Sabbath preached the first Presbyterian sermon ever delivered in that city, organizing the first Presbyterian church at this place on that day.

Rev. Moore was married in 1830 to Miss Elizabeth G. Green of New Jersey, whose great-grandfather was one of the originators of the school which later grew into Princeton University. He moved in 1840 to a place thirty miles east of Little Rock and founded Sylvania academy, one of the noted institutions

of learning in the early history of our State. He organized the Presbyterian church at Sylvania in 1843. He died at Sylvania January 28, 1873, and was buried in the church yard there. His grave is not marked by any monument.

SOURCES OF INFORMATION: Memorial of Rev. James Wilson Moore by Joseph W. Martin in Presbyterianism in Arkansas, pp. 61-66; Mr. J. O. Gray, of Sylvania, Ark.

EDWARD CROSS.

Born in Virginia in 1789; moved with his father to Cumberland County, Kentucky, in 1799; went to Overton County, Tennessee, at twenty-one and read law under Adam Huntsman, the political opponent of David Crockett; opened a law office there in 1822 and practiced three years; came to Arkansas in 1826 and formed a law partnership with Daniel Ringo at Washington; commissioned in 1832 by Jackson as justice of the superior court of the Territory, and recommissioned afterwards by Van Buren; filled this office till Arkansas was admitted as a state; surveyor general, 1836-1838; congressman three terms consecutively from 1838; appointed in 1852 by Governor Drew as special judge of the supreme court; president of the Iron Mountain railroad, 1855-1862; presidential elector in 1852 and voted for Pierce; member of the national convention of the Democratic party in 1844; married a sister to the wife of Chester Ashley.

Judge Cross died in May, 1887, at Little Rock and was buried by the side of his wife at the foot of an Indian mound at Marlbrook in Hempstead County, Arkansas, on his old homestead. His grave is marked by a shaft of Arkansas granite—plain as he wished—inscribed with the date of his birth and death and also the words:

"Loved and honored they lived and now sleep in Jesus."

SOURCES OF INFORMATION: Hallum's Biographical and Pictorial History of Arkansas, pp. 119-122; Dr. Edward Cross of San Antonio, Tex.

RUFUS K. GARLAND.

This distinguished man was born in Tennessee in 1830 and died near Prescott, Arkansas, in 1886. He served as representative of Hempstead County in 1858 and a part of 1860;

resigned in 1861 and entered the Confederate service, was made captain of a company, but, after serving only six months, was forced to leave the service on account of ill health. Member of the convention of 1861; member of the Confederate congress from 1863 to the end; member of the constitutional convention of 1874. Farmer till 1868 or 1869 when he was admitted to practice law, after which he devoted more time to politics than to law. Was a ready and able debater and was well informed on political history. Educated at Georgetown College in Kentucky. He is buried at Washington, Arkansas, and his grave is marked by a beautiful marble shaft about five feet high inscribed:

"Rufus K. Garland, born in Tipton County, Tenn., May 23, 1830, died near Prescott, Ark., Dec. 12, 1886. Neither men nor place could swerve him from his convictions of right."

SOURCE OF INFORMATION: Hon. A. H. Carrigan of Hope, Ark.

AMBROSE H. SEVIER.

Born in 1801 in Tennessee; went to Missouri in 1820; removed to Arkansas in 1821 and settled at Little Rock; clerk of the territorial house of representatives in 1821; representative from Pulaski County in the legislature, 1823-1827, being made speaker the last term; delegate to congress, 1837; United States senator, 1836-1848, but resigned to accept a position on the committee which negotiated the treaty of Guadeloupe Hidalgo. He died in 1848 and was buried in Mt. Holly cemetery in the Johnson lot. In 1849 the State had a monument erected to his memory. This monument is of white marble and is about ten feet high and two feet square. It is a simple square column with ornamental top and base and is inscribed as follows:

"Ambrose H. Sevier, born Nov. 4, A. D., 1801, died Dec. 31, 1848. Erected by the State of Arkansas as a memorial to her grateful sense of his public services.

"Recordatione civitatis esse ornatus suavissima remuneratio amanti patriae."

SOURCES OF INFORMATION: Hallum's Biographical and Pictorial History of Arkansas, pp. 137-144; Reynolds' Makers of Arkansas History, pp. 128-136; Col. Ben S. Johnson, of Little Rock.

Thos. B. Hanley.

Circuit judge of first circuit about 1846; representative from Phillips County, 1842-1843; senator, 1852-1855; associate justice of the supreme court, 1848; delegate to the state convention, 1861; again representative, 1879; died at Helena about 1881. He is buried in the Catholic cemetery at Helena. His grave is marked by a slab uninscribed.

Sources of Information: Hempstead's Pictorial History of Arkansas, p. 885; Mr. S. H. Sprague of Helena, Ark.

General J. C. Tappan.

Born in Williamson County, Tennessee; graduated at Yale; read law in the office of Geo. S. Yerger in Tennessee; admitted to the bar in 1848 and began practicing law at Helena, Arkansas, the same year; representative in 1851; receiver of the United States land office at Helena, 1852-1860; joined the Confederacy in 1861 and was rapidly promoted to position of brigadier general; reopened his law office at Helena at the close of the war; delegate to the national Democratic convention at Chicago in 1884; member of board of visitors to West Point in 1885.

General Tappan is buried in Maple Hill cemetery at Helena. As yet no monument marks his grave.

Sources of Information: Hallum's Biographical and Pictorial History of Arkansas, pp. 450-452; Mr. S. H. Sprague of Helena, Ark.

Grandison D. Royston.

Born in Tennessee in 1809; educated in the common schools of Tennessee and in a Presbyterian academy in Washington County in that state; read law in the office of Judge Emerson at Jonesboro, Tennessee; admitted to the bar in 1831, came to Arkansas and located at Fayetteville, teaching school and practicing law at the same time; moved to Washington, Arkansas, in December of the same year where he spent the rest of his life. He was elected prosecuting attorney of the third circuit in 1833 and served two years; on the staff of Governor Drew for several years; member of the constitutional convention of 1836; member of the first state legislature; on expulsion of speaker Wilson, General Royston was elected to fill the vacancy; appointed in 1837 by Jackson as United States district attorney for Arkan-

sas, but withdrew his name before confirmation by the senate; again appointed to this position in 1841 by President Tyler but finding that the place was much less lucrative than his practice he resigned in a short time; member of the state senate in 1858 and was the father of the State's levee system; did not believe in secession, but abided by the will of the majority; member of the Confederate congress, 1861-1863; president of the constitutional convention of 1874; delegate at large in 1876 to the national Democratic convention at St. Louis and voted for Tilden and Hendricks.

General Royston died in 1889 at Washington, Arkansas, and was buried in a cemetery there which is under the control of the Presbyterian church. His grave is marked by a plain white obelisk about fourteen feet high erected as a joint memento of General Royston and his wife, who died within a year of each other. On one side is this inscription:

"Grandison D. Royston, born in Carter County, Tennessee, Dec. 14th, 1809, died at Washington, Ark., Aug. 14, 1889.

" 'They steered their barks to the same quiet shore
Not parted long and now to part no more.' "

Sources of Information: Hallum's Biographical and Pictorial History of Arkansas, pp. 170-174; Pope's Early Days in Arkansas, pp. 224-226; Capt. C. E. Royston of Washington, Ark.

Freeman W. Compton.

Born in Orange County, North Carolina, January 15, 1824; father was an Englishman and British officer during the American Revolution; studied law under Chief Justice Pearson in a select law school at Maxville, North Carolina; left the law school in 1844 and settled at Greenville, Tennessee (the home of Andrew Johnson) being admitted to practice law before he was twenty-one; practiced there till 1849 when he removed to Princeton, Arkansas; moved to Comden in 1852; special judge in the swamp land cases, 1857-1858; associate justice of the supreme court in 1858 to fill an unexpired term; elected in 1866 for a full term, but was ousted in 1868 on account of his sympathies in the war.

Judge Compton was buried in Oakland cemetery at Little Rock in the family square by the side of his wife and daughter. No stone marks his grave for the simple reason that he was

opposed to monuments and epitaphs. The grave may be located by the stone at the head of his daughter's grave, Mrs. C. C. Scott, and also by the stone at the head of his little granddaughter's grave.

SOURCES OF INFORMATION: Hallum's Biographical and Pictorial History of Arkansas, pp. 318-323; Hon. William A. Compton of Marianna, Ark.

A. B. GREENWOOD.

Born in Franklin County, Georgia, in 1811; came to Arkansas and settled at Bentonville in 1839; representative from Benton County, 1842-1844; prosecuting attorney, 1845-1851; circuit judge, 1851-1853; member of congress, 1853-1859; practiced law at Bentonville after the war.

Judge Greenwood died in 1889 and was buried at Bentonville. His grave is marked by a white marble slab about three and a half feet high, fourteen inches wide and about two inches thick, set in a limestone base. The slab is rounded at the top and on the upper portions of it are Masonic emblems, square and compasses, in the center of which is the letter "G". The epitaph is as follows:

"Alfred B. Greenwood, born July 11, 1811, died Oct. 4, 1889."

SOURCES OF INFORMATION: Hempstead's Pictorial History of Arkansas, pp. 1037-1038; Hallum's Biographical and Pictorial History of Arkansas, pp. 273-274; Mayor Jas. R. Craig of Bentonville.

JUDGE ANDREW SCOTT.

Virginian by birth; appointed by President Monroe as one of the three judges of the superior court of the Territory of Arkansas. He died in 1851 and is buried at Russellville. As his epitaph gives a pretty full account of his career, further mention of it is omitted here. His grave is marked by a handsome marble monument with a large stone base. The monument tapers to a point block by block, the whole being crowned by the statue of a woman. The inscription on this monument reads:

"Andrew Scott, born in Virginia Aug. 6, 1789. Died in Norristown, Pope Co., Arkansas, March 13, 1851. Appointed judge of the superior court of the Territory of Arkansas by President Monroe, assisted in framing the organic laws, July 4, 1819; then judge of the first district circuit

court in 1827; a member of the constitutional convention of 1836; held several other public positions, state and national. 'His life was gentle, and the elements so mixed in him that nature might stand up and say to all the world, This is a man!'"

It is said that Judge Scott was a chivalrous and pure-minded man and would not listen to the faintest breath of scandal against a woman. The one duel of his career was fought over what he regarded as an insult to a lady friend of his.

Scott had a home on the Arkansas River in Pope County which he called Scotia.

SOURCES OF INFORMATION: Pope's Early Days in Arkansas, pp. 36-37; Mr. John A. Bayliss of Russellville, Ark.

JESSE TURNER.

Born in North Carolina in 1805; acquired a good English education by hard study; began the study of law under William McCauley at Chapel Hill, North Carolina, in 1824 and was successively admitted to practice in all the courts of the State; went to Alabama in 1830, but remained only a short time; reached Van Buren, Arkansas, in 1831; went to Fayetteville and remained during one summer; returned to Crawford County and when Van Buren was made the county seat in 1838 he located there permanently; elected to the legislature in 1838; president of the Whig convention in Little Rock, 1840; appointed in 1841 as one of the annual visitors to West Point; appointed in 1851 by President Fillmore as district attorney for the western district of Arkansas and held the position to the close of the administration; member of the secession convention in 1861; senator in 1866 and again in 1874; delegate to the Democratic national convention in 1876; appointed associate justice of the supreme court in 1878; president of the Little Rock and Fort Smith railroad company for eleven years.

Judge Turner died in 1894 and was buried in Fairview cemetery at Van Buren. His grave is marked by a massive monument of granite about eight feet high and on this monument is the following inscription:

"In loving memory of Jesse Turner, a native of Orange County, North Carolina, but during and ever since territorial days a resident of Arkansas; where at the bar and in public life, for more than sixty years, he stood a foremost citizen; and when he went hence, death left his name without reproach.

October 3, 1805—Nov. 22, 1894.
"'His life was full of immortality.'"

SOURCES OF INFORMATION: Hallum's Biographical and Pictorial History of Arkansas, pp. 244-253; Hon. Jesse Turner, Jr. of Van Buren, Ark.

ISAAC C. PARKER.

Born in Belmont County, Ohio, October 15, 1838; educated in the country schools and at Barnsville academy; admitted to practice law by the supreme court of Ohio in 1859; removed to St. Joseph, Missouri, in the same year and began practicing law there; city attorney of St. Joseph, 1861-1864; in addition to his official duties he was under Rosecrans and Curtis and in the state militia during most of the war; presidential elector in 1864 and voted for Lincoln; prosecuting attorney, 1864-1867; elected circuit judge in 1868; resigned and was elected to congress in 1870; reelected in 1872; member (in the forty-third congress) of the appropriations committee having as his colleagues Garfield, Wheeler, Hale and Turner; appointed by President Grant in 1875 as chief justice of Utah, but at the request of the senators of Arkansas he was changed to the bench of the western district of Arkansas and located at Ft. Smith. He filled this position with signal ability to the close of his life.

Judge Parker died November 17, 1896, and was buried in the national cemetery at Ft. Smith. As yet his grave is unmarked, but the family are preparing to erect a monument to his memory.

SOURCE OF INFORMATION: Mr. Jas. J. Parker of Fort Smith, Ark.

JOHN R. EAKIN.

Born in Shelbyville, Tennessee, in 1822; graduated from the University of Nashville in 1840; studied law at Yale, 1842-1843; admitted to the bar in Tennessee in 1844; practiced law at Nashville, Tennessee, 1844-1853; interested himself in agriculture, 1853-1857; removed to Washington in Hempstead County, Arkansas, in 1857, where he resided to his death.

Judge Eakin owned and edited the *Washington Telegraph* throughout the war; member of the legislature in 1866; member of the constitutional convention of 1874; chancellor in 1874 and held office two terms; associate justice of the supreme court of

the State in 1878; died at Marshfield, Missouri, September 3, 1885, where he had gone to spend his vacation with relatives. He is buried at Washington, Arkansas, in the Presbyterian cemetery. His grave is marked by a white marble monument in the shape of a massive cross. The epitaph reads:

"John Rogers Eakin, born Feb. 14, 1822, died Sept. 3, 1885."

This monument is a family stone and bears inscriptions to the other members of the family.

SOURCES OF INFORMATION: Hallum's Biographical and Pictorial History of Arkansas, pp. 422-425; Miss Rosa Wallace, of Washington, Ark.

REVEREND A. R. WINFIELD.

Born in Sussex County, Virginia, in 1822; moved with his father at an early age to Tennessee settling near LaGrange; studied law and was admitted to the bar, but after practicing awhile, he decided that he was called to preach and gave up the law; admitted on trial in the Memphis conference of the Methodist Episcopal Church, South, but was transferred in 1849 to the Arkansas conference; once president of St. John's College; agent for Arkansas Female College; editor of Arkansas Methodist.

Rev. Winfield was an orator and his work was attended with much success. He died December 26, 1887, and was buried in Mt. Holly cemetery at Little Rock. His grave is marked by a gray marble shaft on a square stone base. The epitaph is as follows:

"Sacred to the memory of Rev. Augustus Roberts Winfield, born in Sussex County, Va., Oct. 27, 1822. Died in Little Rock, Arkansas, Dec. 26, 1887. A zealous minister of the Gospel 41 years."

SOURCE OF INFORMATION: Sketch of career—Jewell's History of Methodism in Arkansas, pp. 298-300.

REVEREND JOHN HENRY.

Supposed to have been the first Methodist preacher in Arkansas and to have preached the first Methodist sermon ever delivered within its borders.[3] Moved from his native state,

[3]The Methodists had established Spring River Circuit in northeast Arkansas as early as 1815. Reverend Eli Lindsay was pastor. In 1816 Hot Springs Circuit, embracing the southern half of Arkansas, was formed.—Editor.

North Carolina, to Tennessee and settled near Columbia; after ten years he removed to Missouri; left there in 1818 and settled near Mound Prairie in Hempstead County, Arkansas. The first church building erected in Hempstead County was named for him, "Henry's Chapel." He died September 17, 1872, at the age of ninety-three years. He was buried at Center Point, Arkansas. His grave is marked by a stone which bears this inscription:

"Rev. John Henry, aged 93 yrs. He died in Christ."

SOURCES OF INFORMATION: Jewell's History of Methodism in Arkansas, pp. 34-36; Mrs. C. G. Hughes, of Center Point, Ark.

DANIEL RINGO.

Born in Kentucky about 1800; moved to Little Rock in 1820; soon moved to Arkadelphia; clerk of Clark County, 1825-1830; moved to Washington, Arkansas, and began practicing law; moved back to Little Rock in 1833; chief justice of the supreme court, 1836-1844; United States district judge, 1849-1861; practiced law after the war; died in Little Rock September 3, 1873, and was buried in Mt. Holly cemetery by the side of his wife. His wife preceded him several years and her grave is marked by a beautiful stone placed there by Judge Ringo. The judge's grave is unmarked.

SOURCES OF INFORMATION: Hempstead's Pictorial History of Arkansas, p. 777; Hon. W. B. Worthen, of Little Rock.

ELBERT HARTWELL ENGLISH.

Born March 6, 1816, in Madison County, Alabama; educated in the country schools of his native state and at Athens, Alabama; studied law under United States senator Houston and was admitted to the bar in 1839; represented his county in the legislature, 1839, and was afterwards re-elected; practiced law at Athens, 1839-1844; moved to Little Rock in 1844 and was appointed supreme court reporter in the same year; elected by the legislature in 1846 to digest the laws of the State; chief justice of the state supreme court, 1854-1860; re-elected for eight years; re-elected again in 1874 and again in 1880.

Justice English was twice married—once at Athens, Alabama, September 30, 1840, to Miss Julia A. Fisher who died in

1871. In July, 1872, he was married again, this time to Mrs. Susan A. Wheelis of Nashville, Tennessee.

English was a Masonic writer of international reputation. His death occurred September 1, 1884, at Asheville, North Carolina, of paralysis caused by over work in unhealthful surroundings. He was buried in Mt. Holly cemetery at Little Rock. His grave is marked by a tall marble shaft erected by the Masonic fraternity. This shaft has on the south side the quotation,

"Blessed are the pure in heart for they shall see God."

On the east side are the words,

"Elbert Hartwell English, born Mar. 6, 1816, came to Arkansas, 1844, died Sept. 1, 1884. Erected by the Masonic fraternity of Arkansas."

On the west side,

"Reporter, and for many years chief justice of the supreme court. His name is honored and revered in the legal history of the State."

The grave is tenderly cared for by the family.

SOURCES OF INFORMATION: Copies of state papers from which this sketch was taken were furnished on request by the kindness of Hon. P. D. English of Little Rock.

Any of the state papers published at the time of Judge English's death will give a full account of his life.

HUGH F. THOMASON.

Born in Smith County, Tennessee; admitted to the bar at Fayetteville in 1847; practiced law at Fayetteville but afterwards removed to Van Buren; twice elected prosecuting attorney of his district; made the race for congress in 1856, but was defeated; member of the secession convention in 1861 where he played a conspicuous part; elected by the convention a delegate to the Confederate congress; stood for election to this place in the fall of 1861, but was defeated by Felix I. Batson; director of the Little Rock and Fort Smith railroad in 1866; prominent member of the legislature in 1866; member of the committee appointed by the legislature to confer with President Johnson as to the best plan of reconstruction; member of the constitutional convention of 1874; defeated for congress by W. W. Wilshire in 1874; senator from Crawford and Franklin counties,

1880; representative from Crawford County, 1886; once a member of Governor Roane's staff; buried in Fairview cemetery at Van Buren. His grave is unmarked.

SOURCES OF INFORMATION: Hallum's Biographical and Pictorial History of Arkansas, pp. 252-255; Miss Clara B. Eno, of Van Buren, Ark.

PETER PARLEY PRATT.

The killing of Pratt is said to have caused the Mountain Meadows massacre. He was buried at Fine Springs about twelve miles northeast of Van Buren, but his grave cannot now be located as it was then in the woods. The killing occurred in September, 1857. Miss Clara B. Eno, from whom this information was obtained, is in possession of a very interesting account of the whole affair.

PHILIP PENNYWIT.

Known as the father of steamboating in Arkansas. He was born in the Shenandoah Valley in Virginia in 1793. He came to this country in 1827 or 1828 during the Creek emigration under David Brearly. Long before steamboating began on the Mississippi River Captain Pennywit engaged in navigating the western waters from Cincinnati to New Orleans, cordelling his boat all the way back on the return trips. He built the first steamboat ever built in Cincinnati and named it after that city. He was the first person to navigate White River with a steamboat as high as Batesville. This was in January, 1831. He reached Little Rock in the "Facility" in January, 1828. In 1847 he retired from steamboating and engaged actively in mercantile pursuits from then till the breaking out of the war when he retired from active business.

Captain Pennywit was a bachelor and made his home with the family of Dr. Chas. G. Scott, his partner in business. He moved with this family to Little Rock in 1863 and lived there the rest of his life. He died of paralysis in 1868 at Little Rock. His remains were laid to rest in the Drennen and Scott lot in Fairview cemetery at Van Buren. His portrait hangs in the parlor of the Scott home.

SOURCE OF INFORMATION: Miss Clara B. Eno, of Van Buren, Ark.

David O. Dodd.

Born in Lavaca County, Texas, November, 1846; removed with his parents to Saline County, Arkansas, in the early 50's settling near Benton; went back to Texas with his father on the breaking out of the war; sent back to Arkansas by his father to look after some stock in October 1863; applied to General Fagan, the Confederate commander at Camden, for a pass and was given it on condition that he secure information about the Federal army at Little Rock and report; went to Little Rock after attending to his business at Benton and succeeded in securing the information desired; started back to Benton, but got lost and was captured, taken back to Little Rock and hanged as a spy. His body was turned over to some ladies for burial. He rests in Mt. Holly cemetery at Little Rock where a neat monument marks his grave. On this monument are the words:

"Here lies the remains of David O. Dodd, born in Lavaca County, Texas, Nov. 10, 1846, died Jan. 8, 1864."

David O. Dodd has been well named the Nathan Hale of Arkansas. This name has been given him because he said to General Steele, when offered his freedom if he would betray his helpers, that he preferred like Nathan Hale to give his life for his country. The Confederate camp of ex-Confederate soldiers at Benton is called David O. Dodd camp. Dodd's picture hangs in the office of the circuit clerk of Saline County at Benton.

Source of Information: Col. W. C. Parham of Benton, Ark. Col. Parham is still a resident of Benton as are also Senator D. M. Cloud and Mr. F. W. Bush, both of whom were intimately acquainted with Dodd.

Absalom Fowler.

Born in Tennessee in 1806; came to Arkansas about 1880; member of the constitutional convention of 1836; candidate for governor on the Whig ticket against Jas. S. Conway; member of the legislature from Pulaski County in 1838 and again in 1844-1845, after which he dropped out of politics and devoted all his time to law, becoming a very able lawyer.

Fowler died June 4, 1859, and was buried in Mt. Holly cemetery at Little Rock. His grave is marked by a simple white marble slab inscribed as follows:

"Absalom Fowler, a leader of the bar, born 1806, died 1859."

SOURCE OF INFORMATION: Sketch—Hallum's Biographical and Pictorial History of Arkansas, pp. 154-155.

SAM C. ROANE.

Distinguished lawyer and judge; admitted as an attorney in Clark County in 1819; member of the legislature from Clark County in 1821 and was made president of the legislative council; one of the committee which moved the capital of Pulaski County from Cadron to Little Rock.

Roane died in 1852 and was buried in Mt. Holly cemetery at Little Rock. His grave is marked by a white marble monument about twelve feet high surmounted by decorations in the Grecian style. This monument has the Masonic emblem on the east side. The epitaph reads:

"In memory of Samuel Calhoun Roane who was born Feb. 27, 1793 and died Dec. 8, 1852. Erected by his wife, Julia Roane."

SOURCES OF INFORMATION: Sketch of career—Hempstead's Pictorial History of Arkansas, p. 199; Shinn's School History of Arkansas, p. 118; Pub. Ark. Hist. Ass'n., Vol. 1, p. 371.

SAMUEL H. HEMPSTEAD.

Born in New London, Connecticut, November 26, 1814; removed with his father at an early age to St. Louis where he resided till 1836; studied law under Edward Bates; came to Little Rock in 1836; clerk of the house of representatives, 1836-1838; adjutant general of the state militia under Governor Yell; prosecuting attorney in 1842; United States district attorney in 1856; published a volume of reports of the United States court in Arkansas, 1856; solicitor general of Arkansas in 1858; compiled the swamp land laws; several times special judge of the state supreme court; prominent state attorney in several of the Real Estate Bank cases; married in 1841 to Miss Elizabeth A. Beall; died in Little Rock on June 25, 1862. His grave is in the family lot in Mt. Holly cemetery at Little Rock. No monument marks the grave.

SOURCES OF INFORMATION: Hempstead's Pictorial History of Arkansas, p. 783; Hon. Fay Hempstead of Little Rock.

Augustus H. Garland.

Born in Tipton County, Tennessee, June 11, 1832; moved by his parents to Hempstead County, Arkansas, in 1833; educated at St. Mary's College and at St. Joseph's College in Kentucky; admitted to the bar at Washington, Arkansas, in 1853; moved to Little Rock in 1856; delegate to the convention of 1861; member of the provisional congress of the Confederacy in 1861 and of the Confederate congress both as senator and as representative, being in the senate at the close of the war; governor of Arkansas, 1874-1876; United States senator, 1877-1884; attorney general of the United States under Cleveland, being the first cabinet officer chosen from Arkansas; married to Miss Virginia Sanders of Washington, Arkansas; died at Washington, D. C., in 1899.

Garland's body lay in state at Little Rock for several days and was viewed by hundreds of prominent citizens and friends of the statesman. His remains were laid to rest in Mt. Holly cemetery. No monument marks his grave. A fund is being raised by friends and admirers of Garland for the erection of a suitable monument to his memory. This move was started by the *Arkansas Gazette* and the people of the State are responding liberally.

Sources of Information: Hempstead's Pictorial History of Arkansas, pp. 648-650; *Gazette,* of Nov. 4, 1907. A most excellent account of Garland's career was printed in the *Gazette* of June 11, 1907, the account having been written by J. H. Shinn of Washington, D. C.

Albert Pike.

Born in Boston, Massachusetts, December 29, 1809; moved with his father when four years of age to Newburyport, Massachusetts; educated at the Newburyport schools and at Harvard; started for the Pacific coast in 1831; changed his plans and arrived at Ft. Smith, Arkansas, in 1832; taught school near Van Buren and frequently wrote for the newspapers; associate editor of the *Advocate;* assistant secretary of the legislative council in 1833; admitted to the bar in 1834; married the same year to Miss Ann Hamilton of near Arkansas Post; from 1831 on he frequently published his poems and was much complimented on them; employed in 1834 to superintend the publication of the re-

vised statutes of Arkansas; proprietor of the *Advocate* in 1835; law partner of William Cummins soon after this; in 1840 made attorney of the Real Estate Bank and in 1842, one of the trustees; raised a squadron for the Mexican War in 1846 and was made captain; moved his law practice to New Orleans about 1851; resumed practice in Arkansas in 1857; Masonic writer of international reputation and at his death was the highest Mason in the world; brigadier general in the Confederate army; resigned place in the army and took a position on the supreme bench of the State; practiced law in Memphis for two years after the close of the war; editor-in-chief of the *Memphis Appeal* and president of the state bar association at the same time; moved to Washington city in 1868 where he lived till his death, except a short time at Alexandria, Virginia; associate editor of the *Patriot* (1868-1870), a Democratic paper published at Washington City; gave up law for literary pursuits in 1879.

Pike died in 1891 and was buried in Oak Hill cemetery at Washington city. His grave has no mark, but the Scottish Rite Masons have erected a magnificent statue to him in the city. On this statue are these words:

"Laborum eius superstites sunt fructus."

Sources of Information: Sketch is abridged from one given by Mrs. Lillian Pike Roome of Washington, D. C., in volume of Pike's poems published by Fred W. Allsopp, of Little Rock; facts about burial place were furnished by kindness of Mr. Yvan Pike, of Washington, D. C.

General T. C. Hindman.

Born near Knoxville, Tennessee, in 1829; moved by his father to Alabama and later to Ripley, Mississippi; on breaking out of the war with Mexico he left school at Princeton, New Jersey, and enlisted as a private soldier and was promoted to a lieutenancy; returned to Ripley after the war and studied law; member of the legislature at twenty-one; met United States Senator Foote in debate and was highly complimented for the way in which he handled his practiced opponent; moved to Helena and became the editor of the *States Rights Democrat;* espoused the cause of Henry M. Rector for governor and wielded a strong influence in his favor; elected to congress at twenty-six; married Miss Mollie Biscoe of Helena; re-elected to congress but re-

signed to join the Confederate cause; raised a regiment known as Hindman's Legion and became its colonel; made major general for gallantry at Shiloh; placed, after the battle of Chickamauga, at Little Rock in command of the Trans-Mississippi Department; gained a decisive victory over the Federals at Prairie Grove; went to the City of Mexico after the war where he was an intimate acquaintance of the Emperor Maximilian; returned to Helena to practice law; advised conservative action by the southerners; by his eloquence he gained great influence over the negroes.

On the night of September 28, 1868, General Hindman was sitting in his home quietly smoking his pipe when he was shot from his window by unknown parties and no clue has ever been discovered. He is buried at Helena. His grave is marked by a white marble shaft about four feet high. The sons of General Hindman are planning to erect a handsome monument at the grave of their distinguished father. The present monument bears the inscription:

"Maj. Gen'l Thos. C. Hindman—Birth Jan. 22, 1829, Death Sept. 27, 1868. We miss thee, husband and father, at home."

Sources of Information: Data about career, together with much interesting matter omitted here for lack of space, furnished by kindness of Hon. John Ike Moore of Helena; facts about burial place were furnished by kindness of Miss Jessie Thompson of Helena, and Col. Biscoe Hindman of Louisville, Ky.

Porter Clay.

In regard to this distinguished man the writer knows of nothing better than to quote the words of Mrs. J. W. Meek of Camden in an article published in the *Camden Beacon* of its issue of June 27, 1908. This article entitled "A Plea for the Old Cemetery" was prepared for the United Daughters of the Confederacy of Camden, and was afterwards published by request of that organization. Speaking of Porter Clay she says:

"In the year 1850, the cemetery" [at Camden] "received the body of a good man whose name shines to us mostly through the reflected light of his great brother, Henry Clay. He died in Camden, at the close of mission work down the Mississippi, terminating with a revival at this place. He was a Baptist minister, and people of that denomination erected to his memory a tablet eight by eighteen inches, with the name 'Porter Clay' engraven upon it. Few people know it is in the cemetery, and fewer can find where it is placed."

Mrs. Meek is in possession of an interesting account of the life of Porter Clay and would doubtless answer any question addressed to her about him.

W. P. Ratcliffe.

One of the pioneer Methodist preachers of Arkansas, especially of the southern part of the State. He was buried in the "Old Cemetery" at Camden in the year 1868. His grave is marked by a monument about seven feet high placed there by his granddaughter, Mrs. Eva Whitthorne Trezevant of Dallas, Texas, who has since died. The monument bears the words:

"FATHER—W. P. Ratcliffe—1810-1868. A courageous consecrated minister of God."

This expression is on the front of the monument. On the reverse side is the inscription:

"IN MEMORIAM, W. P. Ratcliffe. The people of Camden mourn the man, the citizen, the preacher; in peace or in war, bold, faithful and true."

On still another part of the enclosure are the words:

"Thomas Ratcliffe and J. C. Ratcliffe, presumably brothers."

Source of Information: Same as for Porter Clay.

General James McIntosh.

McIntosh was a West Pointer. He had been located at Ft. Smith before the war. He was finally made major general. He was in the prime of life at the time of his death which occurred at the battle of Pea Ridge in 1862. His body rests in the beautiful cemetery on the banks of the Poteau at Ft. Smith (Federal cemetery). He is buried in section 3, grave 549. His grave is marked by a plain marble shaft about eight feet high. On one side of this monument are the words:

"Brig-Gen. James McIntosh, C. S. A., Killed at Pea Ridge March 8, 1862."

Sources of Information: Rev. M. McN. McKay of Ft. Smith, Ark. Rev. McKay mentions the name of Mr. Henry Kuper as a source concerning facts about Gen. McIntosh. Mr. Kuper was a member of the 3d Ark. infantry, C. S. A.

GOVERNOR THOMAS S. DREW.

Born in Vermont; came to Arkansas in 1821, and settled in Clark County; clerk of Clark County, 1823-1825; removed from there to Lawrence County; member of the constitutional convention; twice elected governor, serving from 1844 to 1849; resigned as governor because the salary was inadequate. He died in Texas in 1880 and was buried near Lipan in Hood County in that State. Nothing but a rough stone marks his grave, hence there is no epitaph.

It is said that many Texans point to the spot where Drew is buried as an example of Arkansas' indifference and inappreciation of her great men.

SOURCES OF INFORMATION: Shinn's School History of Arkansas, p. 143; Hon. Leon Westmoreland of Greenwood, Ark.

CONFEDERATE CEMETERIES IN ARKANSAS.

COLLATED BY

JAMES P. COFFIN.[1]

Fayetteville.

By Mrs. J. D. Walker.

Vice President, Southern Memorial Association.

The Southern Memorial Association of Fayetteville, Arkansas, was organized June 10, 1872, with thirty-eight earnest workers; later auxiliaries were formed at Prairie Grove, Cane Hill and Springdale, aiding materially in the work. By the untiring efforts of these devoted women, grounds for a cemetery, beautifully located on a hill east of town, were purchased and enclosed and about nine hundred bodies of the brave soldiers of Arkansas, Missouri, Louisiana and Texas, gathered from the wayside and from the battle fields of Prairie Grove and Pea Ridge, were interred therein. The grounds were enclosed by a stone wall and shrubs and trees were planted, but a monument was a dream of the future. All thought and energy were directed to that end and in October, 1896, a monument was contracted for. On May 8, 1897, the corner stone was laid with impressive ceremonies and on June 10th the twenty-fifth anniversary of the organiza-

[1]James P. Coffin was born in Rogersville, Tenn., Sept. 22d, 1838, and moved with his parents to Knoxville, Tenn., in October 1846, where he grew to manhood. Was educated in the private schools and the East Tennessee University at Knoxville, graduating at the University of North Carolina with the degree of A. B. in the class of 1859. Entered the Confederate army as a private in what became company I, 2d regiment, Tennessee cavalry, in the summer of 1861, being elected 2d lieutenant of that company in May, 1862, and later promoted to 1st lieutenant, serving as such until he surrendered under Gen. Joseph E. Johnston, in North Carolina, April 26th, 1865. Was married to Miss Lucy Lyons in Hawkins County, Tenn., Nov. 3d, 1862, she died at Powhatan, Ark., March 8th, 1887. Of this union three children, two sons and one daughter, were born, all of whom still survive.

Removed to Memphis, Tenn., in October, 1865, and thence to Lawrence County, Arkansas, in January, 1869. Served as clerk of the cir-

tion of the association, the beautiful monument was unveiled by the president of the association, Mrs. Lizzie Pollard, to the admiring gaze of enthusiastic thousands.

The plan of the cemetery is octagon in shape, and divided into eight triangular sections, with the apex of each section resting at the base of the monument, which is the center of the grounds. Four of these sections are for graves, alternating with four for ornamental shrubbery. One grave section is devoted to Missouri, one to Texas, one to Louisiana and one to Arkansas.

The monument is of beautiful gray granite, surmounted by a statue in copper bronze of a private soldier at parade rest. Near the base on each of the four sides is carved the name of the state whose grave section it fronts, and at the top of each is the seal and coat of arms for that state. The bronze sentinel on the summit keeps watch and ward, not only over the victims of war, but over other care worn veterans of that terrible conflict, who, dying since then, have claimed a place beside their comrades in arms. The Southern Memorial Association gives to each a white marble marker, with name, rank and dates inscribed thereon. The cemetery contains three acres and a resting place is offered to any southern soldier who desires it, so long as space remains.

Our cemetery is among the few in the South dedicated solely to the Confederate dead. At the head of the Missouri section lies the gallant General W. Y. Slack, killed at the battle of Pea Ridge. Only a few commissioned officers are buried here, mostly the self-effacing privates, the rank and file, to whose courage and patriotism no monument can do justice.

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cuit court of Lawrence County from January, 1873, to November, 1885. Was then in the real estate and insurance business at Powhatan until July, 1890, when he was elected cashier of the Lawrence County Bank at Walnut Ridge and removed there. In July, 1891, removed to Batesville to become cashier of and open People's Savings Bank, remaining in that position until January 16th, 1905, when that institution was absorbed by the First National Bank of Batesville, of which he became cashier and remains such until the present.

Mr. Coffin has been a ruling elder in the Presbyterian Church (Southern) since 1874 and has three times represented the Presbytery of Arkansas in the General Assembly of that church. He has been a member of the board of trustees of Arkansas College at Batesville since 1875, serving as secretary of the board from 1893 to 1901 and as president thereof since the last named date.—Editor.

Helena.

By Major Greenfield Quarles.

In May, 1869, the Phillips County Memorial Association was organized at Phillips Academy, fourteen miles west of Helena, with a branch organization at Helena. The two associations were naturally one. The object of the organization was to care for the Confederate dead and decorate their graves. Mrs. John T. Jones of Lexa was elected president and Miss Mary Moore Lambert, vice president.

The association began at once to gather up the remains of hundreds of dead soldiers who were buried in haste after the battle of Helena, July 4, 1863, and to re-inter them in the present burial ground, which was donated by Henry P. Coolridge, Henry C. Righter and Albertis Wilkins. It is situated on a beautiful plateau, upon a wooded hillside, a part of Crowley's Ridge, three hundred feet above the majestic Mississippi, which now and then makes a pilgrimage to the foot of this historic ridge, as if to pay homage to the heroes buried there.

For twenty years these devoted women had visions of a lofty shaft to honor the soldiers buried there. Efforts were often made to kindle this sacred fire, but as often it smoldered in the ashes of indifference. Finally in 1889 the flame burst forth and the association determined that a main shaft should be built and that there should be grouped around it monuments to distinguish officers who had entered the Confederate service from Helena and Phillips County. This idea was afterwards abandoned and the work was entered upon of erecting a separate shaft in memory of Major General Patrick R. Cleburne, whose remains had been removed from Maury County, Tennessee, and re-interred near his adopted home, where he had entered the Confederate service. After years of effort this monument was unveiled and dedicated on Sunday, May 10, 1891, with appropriate exercises, chiefly of a religious character.

Inspired by this success, the association revived its efforts to erect a tall shaft to the memory of all the Confederate dead buried there and their labors were finally crowned with success when in May, 1892, they dedicated the larger monument as a

"Confederate Memorial." This monument from base to apex, is thirty-seven feet in height, surmounted by a life size figure of a Confederate soldier, facing the east, and stands on one of the highest points on Crowley's Ridge, in the center of the cemetery. There is a drive-way all around the monument and on all sides, outside the drive-way, are Confederate graves, marked with simple marble slabs. The Cleburne shaft stands in the same enclosure, just thirty feet from the larger monument.

Among the gallant Confederate soldiers who are buried at Helena are Major General Thomas C. Hindman and Major General Patrick R. Cleburne, already mentioned. They were warm friends in life and their graves are but a few feet apart. Cleburne fell on the battlefield, fighting for the land of his adoption, while the thread of Hindman's life was cut by an assassin's bullet. Near them rest the remains of Lieutenant Colonel Paul F. Anderson, who during a considerable period of the war commanded the fourth regiment of Tennessee cavalry, known in the army of Tennessee as "Paul's People," and carved for himself a name for faithfulness to duty and skill and gallantry in its execution second to no officer of equal rank in the army.

Little Rock.

By Mrs. Margaret T. Rose.

During the occupancy of Little Rock by Confederate troops, many of them died in hospitals there and it is estimated that approximately nine hundred were buried in a plot of ground in Oakland cemetery, owned by the city. Around this plot the Memorial Association has placed stone coping with a tablet stating the estimated number of Confederate soldiers resting there. No other work has been done in this plot, as it was impossible to locate even many of the graves, many having been buried two and three together, wrapped in their blankets.

In another part of what was then the grounds of Oakland Cemetery, but unenclosed, a large number of Confederate soldiers were buried, how many no one knows, but it is estimated and generally believed nearly six hundred. This ground was entirely neglected and overgrown with briars until 1884, when the

Memorial Association was organized, the object of the organization being to erect a monument and care for these graves. The organization was effected at the home of Mrs. Weaver, and her daughter, Mrs. Mary Field, was chosen president. This ground was given to the Memorial Association by the city council and a stone wall was built around it and later an iron gate was erected at the entrance. A few years ago the city council made a further grant of a lot at the entrance, on which it was planned to erect a house for a care taker, but nothing further has been done towards carrying out this plan. Small marble head stones have been erected, but as no record of the names ever came into the possession of the association, only numbers could be cut on the stones. The last improvement is the erection of an iron speaker's stand.

The remains of some soldiers who were buried in Mt. Holly cemetery were removed to this plot and reinterred, a mound being raised over this their last resting place, and two years ago, in opening a new street in the southern part of the city, a number of bones were found, said to be those of southern soldiers, and they were buried in this Confederate cemetery.

The Memorial Association some years ago as a body became the Memorial Chapter of the Daughters of the Confederacy, but that wrought no change in their work, it stills owns and cares for the cemetery.

Camp Nelson, Lonoke County.

By T. J. Young.

Commander, James Adams Camp, No. 1036, U. C. V.

Soon after James Adams Camp, No. 1036, United Confederate Veterans, was organized in 1897, the writer was informed that there were from four to five hundred Confederate soldiers buried in the vicinity of a large spring, near which General Nelson's division of Texas cavalry was camped at one time during the war, and during which time his command was scourged by an epidemic, the victims having been buried in various places near their camp. The larger number were in the woods on the land owned by Comrade Gateley, who willingly

gave a deed to the ground, and we entered upon the work of establishing a cemetery there. Failing to carry out our plans through contributions and collections, I went to work to get a bill through the legislature, asking an appropriation of public money to complete our plans. In this we were successful, the legislature of 1905 having appropriated one thousand dollars for the purpose of establishing a Confederate cemetery at Camp Nelson, in Lonoke County, Arkansas, and naming T. J. Young, W. F. Gibson and Grandison Apple as trustees, under whose direction the work was to be done and the appropriation expended. The ground was cleared and enclosed with a substantial wire fence, with wire posts, the graves marked with granite headstones and a monument erected, which was dedicated with appropriate ceremonies on October 4, 1906. This monument was made of Batesville marble, stands about twelve feet high and weighs about twenty thousand pounds.

This cemetery is located about four miles south of Austin and three miles east of Cabot, both in Lonoke County, Arkansas.

Washington.

By Judge A. H. Carrigan.

The cemetery at Washington, Hempstead County, is not specifically a Confederate cemetery, but was incorporated by a special act of the legislature of the State in 1858, by the terms of which the ruling elders of the Presbyterian Church of Washington and their successors in office, are made the trustees. It is enclosed by a good wire fence, with *bois d'arc* posts, and is kept in order by the outlay of a fund which is replenished from time to time by the sale of lots and by private subscriptions.

In this cemetery, grouped together, are seventy-four graves of Confederate soldiers who died at this post and were buried there during the war, most of whom are now supposed to have been from Missouri and Texas. A record of the names and homes of these dead soldiers was kept by a Confederate, who removed from the State years ago and later died, and the record can not be found. In the midst of this plot the citizens of Washington, in January or February, 1887, erected a modest monu-

ment of marble some twelve feet high, on one of the faces of the pedestal of which is this inscription:

Erected by our citizens
To the memory of our
Confederate soldiers,
Who died at this Post during our late Civil War;
Far from home & kindred.

In this cemetery many other Confederate soldiers have been buried, some who fell in the struggle, notably four who were killed in the battle of Oak Hill, Missouri, and many more of the citizens of Washington, who survived the war, but have now passed away.

Clarksville.

By Colonel Jordan E. Cravens.

At the close of the war between the states there were about one hundred and seventy unknown Confederate soldiers buried in the cemetery at Clarksville, owned by the M. E. Church, South, and some time after the board of trustees of that church undertook to lay off the ground containing those graves and to provide for keeping them in order. These soldiers were promiscuously buried in various parts of the grounds and their remains were taken up and reinterred in a plot of ground, square in form, and a little monument was erected in the center of the plot. This monument is ten feet and four inches in height, with a granite base, twenty-six inches square and twenty inches in depth, with the following inscription thereon:

Sacred to the memory
of
Our Confederate dead
1861-1865

This work was done by citizens, before the organization of either the camp of Confederate Veterans or the chapter of the Daughters of the Confederacy, during the early part of the year 1891, probably in February or March of that year. Since the organization of the Daughters of the Confederacy they have caused small, unlettered head stones of marble to be placed at the head of each grave and have on hand the money for a curbing around the plot of ground.

The board of trustees of the church some years ago turned over to the ladies of the town the management and control of the cemetery grounds without regard to their church membership, and that organization known as "The Ladies Cemetery Association," keeps them in perfect order, and they, in conjunction with the Daughters of the Confederacy, annually decorate the graves of the Confederate dead therein, the decoration ceremonies usually being performed over the graves of the "Unknown Confederate dead" above mentioned.

Camden.

By Mrs. J. W. Meek.

Directly north of Camden, on a high point of land not far from the banks of the Ouachita River, lies a city of the dead. Major W. L. Bradley of Virginia was one of the earliest settlers in this portion of the State, and was the owner of wide territory. At some time between 1840 and 1850, he donated this site to the settlement, to be used as a burial ground.

This especial "God's acre" has never possessed any designation beyond that of "The Cemetery," in former days, and "The Old Cemetery" in these latter ones. An annex "Forest Grove" has been added to it, and within recent years, a beautiful "Greenwood" has been enclosed. It is around the tombs and graves of the old cemetery that the early history of Camden, and to a certain extent, that of Arkansas, centers. There the pioneers were interred, with pine slabs or native rock for headstones. In after years her citizens laid them down to sleep beneath marble mausoleums and brick vaults.

Her soldiers were given a resting place in a distinct portion of the enclosure. General Price, commanding a corps under General Kirby Smith, and Marmaduke in charge of a brigade, were camped north and east of the old cemetery. It was here that they laid their dead comrades in quiet burial unknown to the citizens of the town. Owing to the sad fortune of war, it was only occasionally that those of our own town were given public burial.

Shortly after peace had been declared a Memorial Association was formed. A public decoration day was first observed under its auspices on the 9th of November, 1866. It had been the loving work of this association for some time previous to discover, and if possible to identify, the graves of all Confederate soldiers buried in the enclosure. Even in the short period which had elapsed since their interment, many of the graves had become leveled and the markings of headstones, obliterated. About two hundred and fifty graves, doubtless a large majority, were discovered. The names of only fifty could be ascertained. These were all neatly marked and designated, "Confederate Soldier" being put on those whose names were unknown. An obelisk, upon a pedestal and base, was erected in the largest group of graves and dedicated to the "Unknown Dead."

The ceremonies for the decoration day were inaugurated by an address by Rev. Horace Jewell in the M. E. Church, South. Following this, the large assembly of citizens marched to the cemetery. Among them were about seventy-five women and as many maidens, all dressed in white and bearing wreaths of flowers. The clergy and orator of the day were next, preceding a long line of carriages and horsemen. Hon. E. A. Warren was orator, and Rev. Wheat conducted the devotional exercises for the day. Rev. Wheat composed a hymn for the occasion which was sung at the closing of the ceremonies. The central monument and each grave were lavishly bedecked; wreaths bearing the names of those killed in service were placed about the central obelisk.

The graves were preserved until the year 1886. At that time a Confederate Monument Association was formed. It was due to the efforts of the association and of friends, that a handsome granite monument was erected on May 29, 1886. That was unveiled at the annual decoration day. Dr. J. W. Meek, as chairman, made the presentation speech, which was responded to by the mayor, C. K. Sithen. Governor S. P. Hughes was orator for the day. An iron chain supported by columns surrounds the now level enclosure, and the rich granite shaft, standing on a pedestal, and surmounted by a black cannon ball, shows clear within the shade of contrasting evergreens. Three graves

of soldiers are outside the enclosure in different parts of the cemetery, each marked by a white headstone.

The grave of Colonel Hiram L. Grinstead, for whom the local chapter of U. D. C. is named, was similarly honored by that organization on May 6, 1906. Colonel Grinstead and Lieutenant Hugh McCollum gave their lives at the battle of Jenkins' Ferry, April, 1864. They were brought to the home burial grounds, and each buried, one in the morning, one in the evening.

The grave of Hugh McCollum stands as it was made: A mausoleum of brick, built nigh at the head; native vines and ferns cover it, as it stands under a large green tree, grown since he was laid away. A tall monument near by reveals the words: "W. P. Ratcliffe—A consecrated and courageous minister of God." He was a chaplain of the Southern Confederacy, and a forceful pioneer of Methodism in the State of Arkansas.

There are other graves of unknown soldiers scattered about the cemetery; and, moreover, many veterans who resided at Camden after the war when death called were buried here beside their comrades.

Van Buren.

By Mrs. Fannie Dunham Scott.

There is no distinct Confederate cemetery at Van Buren, but during the war the city gave a plot of ground in its cemetery, in which to bury the Confederate soldiers who died here or whose remains were brought here from the battlefields in this part of the State for interment. In all, these numbered four hundred and sixty, and were from Arkansas, Texas, Louisiana, Missouri and the Indian Territory. The Van Buren Monument was first erected in 1899 in the center of this plot, but has been removed to the court house square, where it can be seen by more people. To see it is to admire it, as it is one of the most beautiful and appropriate monuments in the State. The Daughters of the Confederacy are arranging to put a curbing around the plot of ground above referred to and place a slab with proper inscriptions where the monument first stood.

Fort Smith.

Rev. M. McN. McKay, D. D.

Prior to the war between the states there was a cemetery contiguous to and belonging to the military post at Fort Smith, and while that territory was in the possession of the Confederate forces and authorities, our people buried the Confederate soldiers who died there, together with many who were killed at Oak Hill, Prairie Grove, Elk Horn and other battles in contiguous territory, including two general officers, McIntosh and Steen. There are more than three hundred unmarked graves of Confederate soldiers in this cemetery. When the Daughters of the Confederacy and the Confederate Veterans, assisted by the citizens of Fort Smith, a few years ago, raised the fund necessary to erect a monument to the Confederate soldiers, it was their purpose to place this monument over these unmarked graves, in the Federal cemetery, but the then Secretary of War, Elihu Root, refused the consent of the war department, unless certain of the inscriptions should be changed or omitted. This requirement was declined by those in charge and the beautiful monument was erected in 1903, and now stands in the county court yard in Fort Smith, where every body must pass and so receive the full benefit of the inscription, "Lest we Forget."

The Daughters of the Confederacy have now purchased a double lot in the city cemetery, which is being used for the interment of such old soldiers as have no other resting place.

HISTORY OF BAPTIST SCHOOLS AND COLLEGES IN ARKANSAS.

By J. B. Searcy, D. D.[1]

Before there was a mile of railroad, or graded free schools had been dreamed of in Arkansas, the Baptist people were alive on the subject of education. In 1848 the Arkansas State Convention was organized at Tulip, in Dallas County. Many of the people of Tulip and surrounding country were wealthy, refined, progressive citizens. Prominent among them were such Baptists as General Nat. G. Smith, Rev. W. H. Bayless, D. D., Dr. M. W. McGraw, and many others of their type.

The object of the State Convention was two fold—missionary and educational. A suitable board of managers was appointed who faithfully addressed themselves to the objects of the convention. That progress should have been slow is not to be wondered at. At the eighth session of the convention which met with New Hope Church, Dallas County, October, 1856, Rev.

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[1]Rev. James Bryant Searcy, D. D., was born at Eufaula, Ala., in 1838. With his father's family he moved to Bradley County, Arkansas, in 1857, and in the following year began teaching in the rural schools. He joined the Baptist church in Newton County, Miss., in 1855, and was set apart as a preacher in that church in 1859. Soon after the Civil War broke out he became chaplain of the 26th Arkansas regiment, commanded by Col. F. P. Yell, and served in that capacity until the close of the war.

For several years after the war Dr. Searcy taught school and preached in the country. For a time he was the Arkansas editor of *The Baptist*, published at Memphis, and later editor of the *Arkansas Evangel*, which became the *Arkansas Baptist* under Dr. W. A. Clark. In the capacity of secretary of the state mission board of his church he traveled over much of Arkansas in a buggy before the days of railroads. Rev. Searcy has taken quite an active part in planting the educational institutions of the Baptist denomination. He served as financial agent of Centennial Institute and of Ouachita College. Between 1892 and 1906 he was out of the State, and was pastor of the Baptist church at Monroe, La., Corinth and Biloxi, Miss., and for a time was editor of *The Baptist Record* at Jackson, Miss. After his return to Arkansas he for a time was pastor of the church at Malvern, and is now one of the editors of the *Baptist Advance*. Union University at Jackson, Tenn., conferred on him the degree of Doctor of Divinity.—Editor.

W. M. Lea preached the introductory sermon from Galatians 6:9: "And let us not be weary in well doing, for in due season we shall reap if we faint not." This was "meat in season." At this session Rev. R. M. Thrasher was president and Rev. A. Yates secretary. The convention resolved itself into a committee of the whole to consider the question of education. Rev. A. Yates presided and Rev. R. J. Coleman was secretary. The session lasted for two hours and strong resolutions were adopted urging the establishment of a "denominational male school of high character in the State." The following board of managers was appointed, which I am glad to reproduce, because they contain some very illustrious names, viz: Dr. M. W. McGraw, General Nat. G. Smith, John McCargo, J. H. Harris, E. M. Harris, Wm. Daniel, D. C. Hall, E. W. Russell, D. E. Stokes, George Oliver, T. D. Bledsoe, Edmund Rucks, Tilman Brawner, T. H. Brown, P. Watts, James Ketchum, Rev. Solomon Gardner, Rev. R. Pulley, Rev. P. S. G. Watson, Rev. G. W. Kennard, Rev. J. M. Cox, Rev. J. Y. Lindsey, Rev. H. H. Coleman, Rev. T. H. Compere, Rev. R. J. Coleman, Rev. Miles Langley, Rev. W. M. Lea, Rev. D. Buckley, Rev. G. W. Scroggin, Rev. Jesse Hartwell, D. D., Rev. L. Baldwin and Rev. R. M. Thrasher.

This very excellent board of managers did what they could in the way of private correspondence. At this time they had no denominational paper. The convention met Saturday before the 1st Sunday in October, 1857, with Samaria church in Dallas County. The college and the paper were the principal topics of consideration for the session. The board of managers were continued. In March, 1858, they employed Prof. W. R. Trawick as agent for the college. The next session was at Charleston, Franklin County, October 16, 1858. Rev. W. M. Lea was chosen president and Rev. R. M. Thrasher secretary. The report of the committee on a State Baptist paper was read and unanimously adopted, setting forth the fact that the college enterprise could not be successfully brought before the denomination without the paper. Rev. P. S. G. Watson was chosen editor, and Little Rock the place of publication, the name of the paper being *The Arkansas Baptist.*

A committee consisting of Rev. W. M. Lea and Rev. P. S. G. Watson was appointed to procure a charter for the convention so as to be able to hold property for the college. The agent reported for the few months he had traveled for the college $21,465.00. The executive board reported progress, and was continued, domiciled at Princeton, Dallas County, Rev. R. M. Thrasher president. General Nat. G. Smith and Dr. M. W. McGraw were vice presidents, with the following managers: W. M. Daniel, D. C. Hall, D. G. Stokes, R. W. Dickinson, T. H. Brown, Rev. A. Yates, Jonathan McCargo, D. Cunningham, James Ketchum, James Woods, E. L. Dickinson, T. A. Heard, J. H. Carlton, and Rev. W. M. Lea.

An enthusiastic report on education was adopted, saying:

"There ought to be a Baptist college or university well endowed in this State, because Baptists generally ought to be educated. Our church polity individualizes our members beyond that of any other denomination, it gives a greater prominence to *lay members* and consequently the general education of the denomination would exert a marked influence in effecting the prevalence of Baptist principles. . . . . Occupying, therefore, such prominence, it is our imperative duty to prepare ourselves for the leadership in defense of the truth. Our brethren in other states appreciate our position and responsibility and have given at least *two million* dollars for the establishment of colleges, universities and theological seminaries since 1850. It is especially imperative that we have an educated ministry. The learning of the world sustains our denominational positions, and our ministry should be able to render this learning available for the maintenance of our principles. Besides, our ministers as far as possible ought to be educated at home, in the midst of the people where their labor is to be performed. A minister trained at home, all other things being equal, will be the most effective."

FEMALE SCHOOLS BEFORE THE WAR.

So far back as 1858 the following resolution was adopted by the convention: "We feel the importance of female education to the rising generation socially and religiously, therefore we earnestly entreat our brethren throughout the State to consider well this important subject, and whatever they do, not to neglect the education of their daughters."

The following female institutes were at this session of the convention recommended to the patronage of the denomination: Fayetteville Institute at Fayetteville, in charge of Rev. T. B. Van Horne, A. M.; Bernice and Camden Female Institute, under the charge of Mrs. M. B. Hay, and Arkadelphia Female

Institute, under the charge of Rev. Samuel Stevenson. At that early period our people in Arkansas were very much alive to the importance of female education, which is now sought to be impressed by not a few, as pre-eminently a twentieth century idea. Those early academies did their work well, and the harvest of their sowing is yet being reaped in many places all over the State.

The minutes of the convention for 1858 say, "The following nine brethren were appointed to be incorporated in the charter as trustees of the convention, viz: Rev. T. B. Van Horne, Fayetteville; John H. Carlton, El Dorado; Peter P. Syler, White Bluff; Rev. T. S. N. King, Helena; Hon. L. B. Fort, Lewisville; John Wood, Dardanelle; General Nat. G. Smith, Tulip; W. R. Trawick, Monticello, and Shelby Kennard, Batesville." With the legal steps taken authorizing the convention to own and control property, an active college agent in the field and *The Arkansas Baptist* coming out each week strongly advocating education as the leading measure of the convention, the outlook was exceedingly bright.

In the acts of the legislature of Arkansas for 1858, section 132, will be found the charter above referred to. The convention met in Little Rock, October 21, 1859. The report on education reads like a twentieth century document. I make a brief extract:

> "The prophetic annunciation that 'many shall run to and fro and knowledge shall be increased' is strikingly exhibited in this our day. Knowledge is here working out the wonderful problems of national greatness. We live in an age of national pride and national enterprise. The citizens of the different states of our glorious republic are together rushing onward, each to achieve, if possible, the highest position in literary attainments. They ask for no secondary rank. They will be content with no mean position. *Excelsior* is their motto, onward their watchword, colleges their ensign, churches their hope and Christ their all."

At this meeting the college agent reported $41,000.00 in endowment bonds for the college. The *Arkansas Baptist* was considered a fixture. Rev. W. M. Lea was authorized to assist Prof. Trawick in taking bonds for the college. The work was well organized and success seemed assured.

The next session of the convention met at Pine Bluff on Friday before the fourth Sabbath in October, 1860. By this

time the college endowment bonds had grown to about $75,000.00. But the bright prospect of previous years was turned into the gloom of midnight. The great Democratic party had put out two regular nominees that year for president. The American party had their candidate, and the Republican party, then a young organization, succeeded in electing Abraham Lincoln, President. Not only Arkansas, but the whole nation, was involved in confusion and later in "civil war" as it was termed. The wheels of progress all stopped and the cherished college enterprise was swept away with the tide of war, which not only made the bonds worthless, but so devastated the whole Southland that starvation and perpetual ruin seemed to stare them in the face. The Baptists in Arkansas at this time numbered eighteen hundred and twenty-six. Almost a decade of untold suffering and toil passed away before they were able to get on their feet again. There was a temporary reorganization of the State Convention November 9, 1867, with Rev. W. M. Lea as president. This body adjourned to meet at Little Rock, November 21, 1868.

At this meeting the following resolution was adopted:

"Whereas we regard the education of the young as among the most important objects for which we labor, and whereas we are unwilling to surrender this glorious work into the hands of other denominations, and whereas we believe that by controlling education to the extent of our ability we will turn a current of influence in favor of our blessed Zion which will ultimately promote the glory of Christ; therefore be it resolved 1st, that we establish a female school of high grade in Helena to be named by the board of trustees appointed to take charge of its interests. 2nd, that said board shall consist of the following: Rev. W. M. Lea, Rev. J. C. Roberts, Rev. T. S. N. King, Rev. W. H. Barksdale, Rev. N. P. Moore, Rev. W. F. Thomas, Rev. E. L. Compere, Rev. W. D. Mayfield and Brethren T. M. Jacks, J. Q. Taylor, ———— Crawford, Jesse A. Jackson, J. A. Hicks, A. G. Garman, James Scaife, and L. Slaughter."

This enterprise met with only a partial success, but evidently helped to keep alive the college sentiment among the Baptists of the State, which formerly ran so high.

The executive board of the convention was appointed, consisting of Rev. W. M. Lea, T. S. N. King, Rev. A. Yates, Rev. R. M. Thrasher, Rev. W. H. Roberts, Rev. N. P. Moore, Rev. W. D. Mayfield, Rev. R. J. Coleman, General Nat. G. Smith, M. S. Kennard, E. M. Harris, D. C. Hall, R. A. Edwards, L.

L. Boone, J. K. Brantley, and R. K. Dawson. The next session of the convention was held at Helena November 11, 1869. Rev. W. D. Mayfield was president and Rev. J. B. Searcy secretary. In the line of educational matters the following was adopted:

"In view of the present widespread destitution of ministers to supply the churches in the settled portions of our State, and in view of the large immigration that is pouring into the same, which calls for yearly increase in our ministry in order that all may be instructed in the ways of truth and in view of the comparatively small number of young ministers coming forward to the wants of our churches and the State;

Resolved, That this convention organize at once a board consisting of five members that shall be known as the board of ministerial education for the State of Arkansas, and it shall be the duty of said board to adopt the most energetic means to raise as soon as possible the sum of $10,000.00 to be used for the purpose contemplated in this resolution—the education of young ministers who may from time to time offer themselves to the board, and to the improvement of every living minister in the State, for the accomplishment of the latter object.

Resolved, That it shall be the duty of this board to open each year for a term of six or more days in connection with their convention a ministerial institute, and provide for six or more courses of lectures upon important subjects and such other exercises as they may deem of advantage to the ministers. The privileges of the institute to be open and free to all and the expense of it to be borne by the treasury of the board."

These institutes continued a few years with good educational results. But they could not supply the place of a college, even for ministerial students, to say nothing of general education. At the convention of Arkadelphia November 10, 1870, the board of ministerial education reported cash collected for the institute $850.95, at an expense to the board of $175.50, with subscriptions unpaid amounting to $2,800.00. They also reported "some twenty young men now desire help from the board."

Mississippi College Adopted.

The growing number of young ministers wanting to attend college made it necessary for the Baptists of Arkansas to take some steps to provide for immediate wants. About this time Mississippi College, located at Clinton, Mississippi, with a college plant valued at $75,000.00, offered through their board to Louisiana and Arkansas a joint interest in the college. This

matter was brought before the Arkansas convention at Arkadelphia in 1870. A lengthy report on this subject was adopted, some of which I quote:

"It may be remarked that its location in another state presents no tangible objection, for, inasmuch as religion acknowledges no state bounds, its twin sister, education, is at perfect liberty to drink at the fountain of knowledge at pleasure, without regard to the fanciful limits that divides our several states. The committee cannot hasten to the completion of their task without dwelling on the particular location of Mississippi College. At a point nearly central to Arkansas, Louisiana and Mississippi—a location which seems to invite and invoke a concentration of effort of these states in building up an institution that shall be an honor to these states and an evidence of their attachment to and advancement in classical and scientific literature. Our own failure to establish a state institution still finds a place in our memory."

A resolution was adopted accepting the offer and adopting Mississippi College as the school of Arkansas Baptists for the time being. At the convention in 1871 at Monticello the board reported, "We have had enough money to meet all the expense of the board up to this time. Brethren J. D. Fletcher, L. W. Coleman, J. D. Jameson and E. H. Owen were all supported at Mississippi College during the last year."

Rev. R. A. Venable entered the college under this board in 1871. Governor J. P. Eagle also attended the college at this time, but at his own expense. These young ministers, with others that entered later, became strong preachers and did a great work. Rev. J. D. Jameson who was pastor for years at Hope and Hot Springs and Dr. R. A. Venable, who was pastor at Helena, then the First Baptist Church, Memphis, then president of Mississippi College, then pastor of the First Baptist Church, Meridian; both are still vigorous men in the active ministry.

The convention met at Austin November 14, 1872, Rev. M. Y. Mason president and Rev. J. B. Searcy secretary. The college committee said in their report, "We beg leave to report that throughout the State there seems to be more than an ordinary interest on the subject of education." This was largely stimulated by our connection with Mississippi College. Not only did we educate a fine lot of young ministers there, but also a number of laymen as well, prominent among whom were Samuel D. and Chas. White, of Hope, who became useful men.

Shiloh Institute.

At the meeting at Austin, 1872, Rev. J. Dunnagin and Rev. J. W. Sykes reported that Shiloh Institute had been established at Springdale in Washington County, Arkansas, that the school was in a prosperous condition, and that it was fostered by Dardanelle, Fayetteville, and State Corner associations in Arkansas and Shoal Creek Association in Missouri. Its claims were duly considered and the following resolution adopted, "Resolved that we heartily recommend the Shiloh Institute to the patronage of the Baptists of Arkansas." This academy was presided over by Rev. Lewis Barnes, who was an educator of considerable reputation in his day. It was at this institution that Rev. C. E. Smith received his academic training. He was the first foreign missionary sent out from the Baptists in Arkansas. He has been for nearly a quarter of a century at the head of our mission work in Lagos, Ogbomoshaw, and Abeokuta, West Africa. This school did fine work and helped very largely to increase the educational sentiment of the State.

Judson University.

The convention met in Little Rock October 30, 1873, with Rev. M. Y. Moran president and Rev. J. B. Searcy secretary. The report on education said, "We would recommend for the education of ministers the Baptist College at Clinton, Mississippi, we also recommend for general educational purposes Shiloh Institute and the school at Judsonia, both of which are located in the State, both of which are Baptist schools, and we recommend them to the favorable consideration of the brotherhood as worthy of our patronage." This is the first notice we have in our denominational records of "Judson University."

This was a university only in name. It was only an academy. Rev. Dr. R. Fory was its main founder. He brought with him a colony from the North, who not only founded the school, but also the town of Judsonia. Those were reconstruction days, and there was a great deal of bitter sectional feeling among the people. The school did not meet with general favor at the start. Later Rev. B. Thomas, D. D., of Little Rock, became president.

He gave the school wider influence and a better standing. He was in turn succeeded by Dr. R. S. James.

The condition of the school is indicated under his administration in the following clipping from the *Arkansas Gazette* of June, 1882:

"JUDSON UNIVERSITY.—The exercises connected with the seventh annual commencement of the above institution located at Judsonia in this State occurred last week. The baccalaureate sermon of Prof. Parnelle, address by Rev. J. F. Rivers, Jr., and Rev. J. S. Thomas, of Searcy, were each in their turn highly appreciated. On the 15th inst. the commencement proper took place. Two young men received the degree of Bachelor of Science, Albert E. Baker and Charles D. James. Their orations were well written and admirably delivered. The president informed us that he had succeeded in liquidating the most pressing claims upon the property, so that the University will open the fall term Monday, September 11th, under the most auspicious circumstances."

This school did a good work and largely helped to make Judsonia and the surrounding country what it is today, a community that does not suffer by comparison with any other in the State for intelligence and general thrift.

FORREST CITY HIGH SCHOOL.

This institution seems to have been established in 1876 with Rev. Joseph Shackleford, D. D., as president. So far as we see, Mt. Vernon Association was its founder, and gave it its principal support. We know Dr. Shackleford was a strong man and he doubtless did good work at Forrest City in connection with this institution.

CENTENNIAL BAPTIST INSTITUTE.

October 30, 1875, at New Edinburgh, Arkansas, the general association of southeast Arkansas was organized by representatives from Friendship and Bartholomew associations, with Rev. M. Y. Moran president and Rev. J. T. Craig secretary. This association was not a rival of the State Convention, but auxiliary to it. Its prime object was to establish "Centennial Baptist Institute." A board of trustees was appointed, consisting of Rev. Sol. Gardner, Dr. C. C. Gannaway and Deacons P. P. Garrison, S. T. W. Meek, and A. B. Turner, together with the president and secretary of the general association. Rev. J. B. Searcy was

appointed financial agent with instruction to solicit funds with which to establish the school, and Prof. M. S. Kennard was chosen as president of the institute. The financial agent soon reported contributions sufficient so that the Warren Institute with a good frame building and ample furniture and fixtures and a beautiful campus of seven acres of ground was deeded to the board of trustees, and the school was located at Warren, and opened its first session January 10, 1876, with Prof. M. S. Kennard as president. He was one of the finest educators it was ever the privilege of Arkansas to boast. He taught at La Cross, Arkansas, before coming to Warren. He was principal of the Warren Institute some four or five years before he became president of "Centennial Baptist Institute." As a worthy successor to Prof. Kennard Dr. W. E. Paxton became president of the school. He was one of Arkansas' most brilliant sons. He was born in Little Rock June 23, 1825. His father soon moved to Hempstead County on the "black lands" of the Ozan. He developed a fondness for books in early childhood and at the age of thirteen he was a good penman and began to write verses, some of which appeared in the *Washington* (Arkansas) *Telegraph.* In 1841 he entered Washington Academy in his county. In 1842 he moved to Woodford County, Kentucky, and entered a private school taught by Prof. S. J. Mahony. In fifteen months he finished his Latin reader, six books of Caesar, six books of Virgil's Aeneid, Sallust and Jugurthan war. In Greek he read the Greek reader and the gospel of St. John, besides reviewing algebra and geometry. In September, 1843, he entered the freshman class of Georgetown College, Kentucky, and in 1847 graduated with the first honors of his class. Two years afterwards he delivered the oration by invitation and received the degree of A. M. While in college he contributed in prose and poetry to different literary journals, among which was *Ciceronean*, a college magazine, and the *Great West,* published at Cincinnati. Dr. Paxton's, like Prof. Kennard's, work at Centennial Institute was strictly first class.

We mention a few of the students who attended this institution, and who have made their mark in the world. Prof. W. N. Atkins had his training in this school. Be-

fore he had finished his course he was assigned to duty in Centennial Institute as principal *pro tem.*, during the illness of Dr. Paxton. When he was through school he entered the profession of teaching and devoted his life to that work. He was at the head of the school interest at Hope about eight years, was county examiner of Hempstead County and conducted summer normals in addition to his regular school room duties. He was held in high esteem by all who knew him. He died in 1897. Dr. James Shepard of ElDorado and Dr. Joe Robinson of Thornton, Arkansas, were class mates of Prof. Atkins. They are both prominent in the practice of medicine. Rev. O. P. Miles attended this school, and he has risen to distinction as a minister of the Gospel. He has been for several years pastor of the First Baptist Church, Rochester, Indiana. Centennial Institute was one of the most prominent stepping stones to the establishment of Ouachita College. The interest in the one made the promoters feel that the other was a necessity.

Arkadelphia Baptist High School.

October, 1876, the Red River Association at County Line Church, Howard County, inaugurated the Arkadelphia Baptist High School. Its first board of trustees, P. A. Heard, R. S. Wallis, W. A. Forbes, H. H. Coleman, M. D. Early. Rev. J. F. Shaw was its first president. The board of trustees bought from the State the building of the old "Institute for the Blind" and three acres of ground for $1,000.00, in which the school was located. Prof. B. J. Dunn succeeded Prof. Shaw as principal. He served three years and was suceeded by Rev. W. A. Forbes. In 1882 the *Arkadelphia Standard* said:

"The sixth annual examination of the Baptist high school located in Arkadelphia, has just closed with good results. The future of this school is very promising. Competent teachers have given success to the undertaking. Then this school is situated in one of the prettiest towns in the South. Clark is one of the best counties in Arkansas and is surrounded by several good counties. This makes Arkadelphia a kind of center, and the health and beauty of the town and the morality of her citizens make it an attractive place for a school. In no distant day our place will be prominent as an educational center. We have no saloons where malt liquors or native wines are sold to our sons. The religious advantages are good. . . . . The school has on its roll more than one hundred names this year. Times have been unusually hard, but many have made sacrifices to send their children to school.

They feel the importance of education. This school will open its next session September next with a complete corps of teachers. Instruction can be had in all the branches of a liberal education. Terms are very reasonable, board in good families can be had at very reasonable rates. For further information address the president, Rev. W. A. Forbes, who will take pleasure in giving such."

At the time this was written it looked like an advertisement, but it proved to be a prophecy that has been gloriously fulfilled.

Buckner College.

This school was inaugurated in September, 1882, by the general association of northwest Arkansas and Indian Territory. Rev. E. L. Compere was prominent in its founding. In 1884 Dr. A. S. Worrell was its president and this writer preached the commencement sermon before a good class of young men and young ladies at Witcherville. Buckner College has been reorganized and is still running at Witcherville.

All these schools did much good in their respective places, but still there was an abiding desire for a college that should be worthy of the name. In an editorial in the *Arkansas Evangel* which was the organ of the Baptist State Convention, June 1, 1882, we wrote:

"Let us concentrate, let us mass our forces, let us send missionaries to every destitute field in the State, yea, more, let us support our existing schools and establish others when they are needed, and still more, let us have at least one first class Baptist college in the State, that shall be to Arkansas what Mississippi College is to Mississippi, or Wake Forest College is to North Carolina. Brethren, these possibilities are before us. With concentration of effort and faith in God the mountain of difficulty will be removed and success will crown our labors."

This sentiment was shared in generally throughout the State. At the state convention at Lonoke in November, 1882, with Governor J. P. Eagle president and J. B. Searcy secretary, the committee on education in their report, after speaking very favorably of Buckner College, Centennial Baptist Institute, Arkadelphia Baptist High School and Judson University, also recommended the establishing of a Baptist college in the State for colored people "and as a convention we will do all we can to encourage our colored brethren in this noble enterprise." In 1883 the convention met at Fayetteville, J. P. Eagle president and J. B. Searcy secretary. The committee on education reported:

"We now have the following Baptist schools in the State which are recommended to the patronage of the brethren: Buckner College, located at Witcherville, Sebastian County, Arkansas; Centennial Institute, Warren, Bradley County, Arkansas; Arkadelphia High School, Arkadelphia, Clark County, Arkansas; Judson University, Judsonia, White County; Eureka Springs College, a newly chartered institution now in successful operation, and its healthful location suggests at once the propriety of its establishment. At this school nearly half of the States in the Union are already represented. It therefore is a point that we should guard carefully. This school has a corps of four experienced and successful teachers and is chartered and owned by the Baptists of this State. We should also recommend that the convention do all in its power to encourage the education of the colored population of the State. In view of the great necessity of education we would say, let us come up to the work, let us start now toward the endowment of a school, concentrate our energies upon it, pray for it, and by the blessing of God we will soon have schools that will be creditable to the denomination of the State. It is further recommended that an educational commission be appointed, consisting of five men who shall consider the advisability of establishing a Baptist State College, and if thought to be advisable to take steps at once to found and fully organize such an institution of learning."

This report was signed by J. P. Weaver, G. G. Wise, G. C. Harris, R. D. Casey, O. J. White.

The following resolution was adopted: "Resolved, that the educational commission appointed by this convention be authorized to organize under the laws of the State, and in this way be qualified to hold property, that as soon as possible said commission establish a college and that said commission report annually to this body." The following were the commission: J. P. Eagle, A. S. Worrell, J. P. Weaver, W. D. Mayfield, and A. J. Fawcett.

November 22, 1884, the convention met at Pine Bluff, J. P. Eagle president and J. G. Holland secretary. The educational commission reported that they had had two meetings during the year, one at Little Rock and one at Pine Bluff; had pushed the work as vigorously as they were able, but were unable to report anything substantially accomplished. Another educational commission was appointed consisting of Revs. B. R. Womack, A. J. Kincaid, R. J. Coleman, A. J. Fawcett, J. P. Eagle and J. B. Searcy. During the conventional year the following associations, Caroline, Friendship, Red River, Bartholomew, Union, Liberty, Judson, Columbia, Dardanelle, Southwestern, and Mt. Vernon, all passed resolutions most heartily endorsing the pur-

pose of the convention to build a denominational school in the State.

At the convention at Hope, November 1, 1885, the educational commission in their report said, "The commission recommends to the convention the propriety of electing at this session of the body, fifteen wise and prudent brethren as a board of trustees, five of whom shall be a quorum, and that this board shall have the power of self-perpetuation and that it shall be a body politic, having under its control the absolute management of the school for the convention. It shall be the duty of this board of trustees to report to the convention at its annual sessions the material progress, financial condition and workings of the school." This report was adopted and the following board of trustees was appointed: James P. Eagle, A. B. Miller, B. R. Womack, A. J. Kincaid, J. B. Searcy, A. J. Fawcett, J. M. Hart, J. Dunnagin, J. K. Brantley, C. D. Wood, W. E. Atkinson, M. F. Locke, V. B. Izard, W. A. C. Sayle, and A. W. Files. This board of trustees addressed itself to its herculean task without delay. Its first meeting was at Morrilton, where plans were laid for bids for the location. It was decided that the college should be co-educational. Two meetings were held in Little Rock, the last included the 24th of December, 1885, where applications for location from Austin, Ozark, Morrilton and Arkadelphia were made. After careful consideration the latter place was chosen as the domicile of the college. About $10,000.00 of available assets came into the hands of the board of trustees as a bonus for locating the college. In July, 1886, the board of trustees elected Prof. J. W. Conger president and arranged with him to take charge of the property and school. At that time Prof. Conger was a young man, graduated a few years before at Southwestern Baptist University, Jackson, Tennessee. He had taught at Searcy and Prescott, but to take charge of a great institution like this, under its peculiar environments, was an experiment.

Never did a man more heroically apply himself to his task or more signally succeed. The school was named Ouachita College, for the beautiful river on which it is situated. With the little ready cash collected on the subscriptions turned over to Prof. Conger, he had the old "Institute for the Blind" reno-

vated, seated, and musical instruments brought in; so that with his faculty of six able teachers, one of whom was Prof. B. J. Dunn, now of Fayetteville, who had previously taught in Arkadelphia High School, on the 6th of September, 1886, Ouachita College opened with an enrollment of one hundred students the first day.

Dr. J. W. Conger is justly entitled to the highest praise for his faith, industry and wise foresight in carrying forward this enterprise. But the board of trustees was unremitting in its co-operation with the president. The old Institute building was wholly inadequate for the purposes of the college. A new building was an imperative necessity. The board of trustees proceeded at once to let a contract for a substantial brick building 75 x 120 feet, with three stories above the basement, all to be completed for $26,000.00. The board did not have the money, but they had faith in God and the Baptist brotherhood of the State.

Rev. J. B. Searcy was chosen financial agent. He entered the field and gave his entire time to raising funds for the building. At the convention in Little Rock, November 1, 1888, the board of trustees reported that the new building was under contract with the promise of being completed by January 1, 1889. The financial report showed that their entire assets as a board had amounted up to that date to $26,112.40. But, after paying for repairs on the old building and other incidental expenses, their entire assets were only $16,614.55. The new building was completed and occupied in 1889, but not without very heavy strain on certain individuals, a few of whom must have a place in these notes. Rev. J. J. Taylor, at that time a teacher in the college, now a missionary to Brazil, having inherited a little legacy, cheerfully loaned the financial agent, without interest, $1,000.00, with which the workmen were kept a little while longer on the wall, and this money was raised and paid back by the agent in one dollar contributions collected over the State. Deacon Joe Saunders, a prominent business man in Arkadelphia, nobly stood by Dr. Conger and the board in all their straits; though dead, his acts still speak. But by far the strongest financial help came from J. P. and W. H. Eagle. The

history of Ouachita College could not be written and their names left out. Many others deserve mentioning, but these are special. Dr. Conger was at first employed for only two years, at the expiration of which he was employed for two years more, again and again contracts were renewed with him, slightly modified from time to time, till he rounded out two full decades as president of Ouachita College. No one else was considered while he was available.

The old building was turned into a young ladies' home after the main building was occupied. It soon took fire and burned but was speedily replaced by the beautiful well appointed brick they now occupy, through generosity of the people of Arkadelphia. This home was completed in 1891. The conservatory building was completed in 1898, the laboratory building, the Mary Forbes home and the president's home have been constructed since. The campus has been increased to about fifteen acres. The entire plant is well worth, including seven buildings, library, furniture and all fixtures, $131,500.00.

J. B. Searcy acted as financial agent from March 31, 1887, to August 13, 1888. He was then followed in the agency by Rev. J. H. Cason, and he in turn by Rev. J. B. Perminter, both of whom did good work. Rev. J. B. Searcy again succeeded to the financial agency, November 1, 1890, and closed his agency July 12, 1892. He was able to turn into the treasury in cash, during his last term about $10,000.00, besides a considerable subscription list.

With the close of the session of 1906 Dr. Conger retired from the presidency of Ouachita College, he having been elected to the presidency of Union University, Jackson, Tennessee. After a delay until within a few weeks of the opening of the session for 1907 the board of trustees succeeded in procuring the services of Dr. Henry Simms Hartzog, L.L. D., president of the University of Arkansas from 1902 to 1905. It was feared that the delay in announcing who would have charge of the college would greatly retard the enrollment. But Dr. Hartzog has shown himself to be an electric force.

There were 212 young men and 136 young ladies enrolled during the session of 1907-08. Everything about the college moves with activity and the future is promising. The cata-

logue for 1908-09 says, "There has been a net average enrollment during the past nineteen years of about 400 pupils, representing during this period seventeen different states. There have been 261 graduates from the academic schools and 168 in the Conservatory of Fine Arts, making a total of 429 graduates of the institution. There has been a yearly average of about forty beneficiaries who have received tuition free, amounting to about $1,500.00 per year." Of the full graduates of Ouachita College, we note that there have been seven doctors, twenty-two lawyers, twenty-eight preachers, and fifty-five teachers. Very many in the different professions have taken a partial course at this school that are not tabulated here.

The progress of this college has been phenomenal. Every part of the State has been influenced by it along educational lines. Being a pioneer college it cleared the way and broke much virgin soil that is now yielding abundant harvests to the various schools that have followed in its wake.

Central Baptist Female College.

At the convention at Eureka Springs November 11, 1890, Judge G. W. Bruce offered the following, which was adopted: "Resolved, that a committee of seven members be appointed by the president to investigate, and report to the next session of this body, the necessity, availability, and practicability of building a college for the exclusive education of females in this State." The president appointed brethren Bruce, Searcy, Kincaid, Reeves, Box, Clark and Miller as the committee.

At the convention at Arkadelphia, October 30, 1891, this committee reported in favor of the female college, also reported that a number of places were bidding for its location and would possibly give "a sum sufficient to build and put in operation an institution of that kind," and recommended the appointment of "a board of trustees with all the authority as such." The following was the board of trustees of the female college: G. W. Bruce, J. W. Lipsey, G. W. Reeves, J. G. B. Simms, A. J. Kincaid, B. G. Maynard and I. R. Hall. A lively interest was manifested in the location of this college, as the following report

of the board of trustees shows. The board reported at the convention at Ft. Smith.

"The following places offered the following sums to secure the college:

Bentonville offered in money and in land $32,120.00.

Conway offered a subscription list of $27,582.00 and a campus of ten acres. It tendered partial plans of buildings and a guarantee by fifteen citizens that it would construct the buildings as planned by January 1st, 1893, free of debt to the committee or denomination.

Ozark offered notes amounting to $20,225.00, a campus of about twenty-five acres, with a school building on it valued at $13,000.00, with other lands—total valuation $35,225.00.

Rogers offered $23,450.00 in land and bankable paper, and to put water in the building free of charge.

The proposal of Conway was supplemented by the proposal of Bro. G. W. Bruce to furnish the building with everything required, except carpets, chinaware and pianos. After mature deliberation the committee selected Conway as the site for the location of the college."

The committee acted wisely, as the present magnificent brick building and ten acres of beautiful campus, in the growing part of the city, worth easily $30,000.00, abundantly testify.

The opening in the fall of 1892 under Prof. C. M. Williams was not as large as it had been hoped. Prof. Williams stayed only a few months and Prof. S. E. Thompson of Waco, Texas, was chosen in his stead. The first year reported only fifty-six young ladies. The session for 1893-1894 reported more than one hundred young ladies present. Prof. J. G. Lile, a graduate of Ouachita College, became president and the college prospered under his administration. He was in turn followed by Prof. W. W. Rivers, who with his noble wife and vigorous corps of teachers, have imparted new life to the institution.

Mountain Home Baptist College.

This institution was inaugurated in 1893 at Mountain Home, Baxter County, Arkansas. Wm. Denton was president of its first board of trustees and W. N. Dyer secretary. Prof. W. S. Johnson, a graduate of Ouachita College, was the principal. It reported an enrollment of 193 students the first year. It has two buildings, a brick and also a stone building, and a campus of ten acres. The property is estimated to be worth $20,000.00. The school occupies a good field for usefulness.

Maynard Academy.—This school, situated at Maynard in Randolph County, was established in 1900, has a brick building, also a framed building, and four acres in campus, the property being valued at $10,000.00.

Magazine Academy.—This school is located at Magazine in Logan County with a good brick building and four acres in campus. The property is worth $12,000.00.

Bentonville Academy.—This school is in Benton County at Bentonville, has two brick buildings and four acres of campus, worth $10,500.00.

Judson Academy.—This academy is located at Fordyce. It was inaugurated by Judson Association—hence its name. It has a good two story building with suitable grounds, worth about $10,000.00.

Brinkley Baptist High School.—This institution is just beginning. It was inaugurated by the Mt. Vernon Association. The grounds and building, when completed, will be worth about $8,000.00.

Friendship Baptist High School.—This school is located at Star City. It was established by the Friendship Baptist Association. Its realty is perhaps not worth more than $5,000.00.

Bodcaw High School.—This school was established by Union Association. Its realty is worth perhaps $5,000.00.

In 1900 a resolution was adopted providing for a committee to consider the propriety of "affiliating" our colleges and academies under one board of trustees. In 1901 this measure was adopted under the name of "Ouachita-Central System of Colleges and Academies." The officers of this board are Rev. Ben Cox, president, Little Rock, Rev. J. J. Hurt, secretary, Conway, J. W. Wilson, treasurer, Arkadelphia.

This system embraces Ouachita College, Arkadelphia; Ouachita-Bentonville Academy, Bentonville; Ouachita-Magazine Academy, Magazine; Ouachita-Maynard Academy, Maynard; Ouachita-Mountain Home Academy, Mountain Home; Ouachita-Judson Academy, Fordyce; Central Female College, Conway.

The Arkansas Baptist College is a negro institution of learning, established by the negro Baptists of the State. In their

state convention at Hot Springs in 1884, resolutions were adopted looking forward to the launching of such a school, and in November of the same year, the school was opened in one of the colored churches in Little Rock. Rev. J. P. Lawton, a white Baptist preacher from Missouri, was the first person employed to carry on the work. His career closed in the spring of 1885. His age and distance from home made it burdensome for him to return to the work another year.

The primary object of the school was to raise the standard of intelligence among the negro ministry, which at that time was very low. Next to that, was the aim to aid the State in preparing negro young men and young women with a normal education, such as would fit them for the common schools of Arkansas. Later on a college course was added, and a variety of industrial branches, so as to supply the race with material for higher learning and for the professions, and to give the great majority of students industrial training, whereby they would be self-sustaining even though they were not school teachers or preachers and to make a number of young men captains of industry, on the farm, in the shop, in the printing office.

The enrollment of the school has run from fifty the first year, to four or five hundred for the past five years. From one teacher, the roll of instructors now stands for each year from seven to fifteen. During the first three years of the life of the school, more than four principals or presidents had control; but from 1887 to 1908 Prof. Jos. A. Booker has had charge, and has brought the school forward in its long strides of advancement and development. More than five thousand students have come under its direction and care during these years; more than one hundred graduates have been sent out from the different departments. He is a native Arkansan and has always had the confidence and co-operation of the best white people in the State.

The present location of the school is at Sixteenth and High streets in this city, and although it has dwelt about in different colored churches, before it possessed a property of its own, it has never operated out of Little Rock. The school owns at its present location, one block and a half, with three good buildings for shops, dormitories and classrooms. It also owns a farm

four miles northeast of Argenta, for the purpose of teaching the dignity of farming, of raising what the school needs to eat, and finally to give a complete agricultural education to such students as desire that branch of industrial training. The property in the city and county taken together is worth fully seventy-five thousand dollars.

A glance at these pages will show that the Baptists have been fast friends and active workers in the cause of higher education in Arkansas for more than half a century. They now have three colleges, one co-educational, one for females only, and one for colored people, with eight academies all in operation, with an enrolled yearly attendance of more than 1,500 students and property worth more than $300,000.00.

SOURCES: The data in this chapter is in the hands of Rev. J. B. Searcy, 1212 Izard street, Little Rock, Arkansas, in the form of newspaper files and minutes of the Arkansas Baptist State Convention.

HISTORICAL RELICS OF ARKANSAS AND THEIR PRESERVATION.

By Rt. Rev. J. M. Lucey.[1]

The historical relics of Arkansas, according to my knowledge, include chiefly those of the Mound builders, those of the Indian tribes that inhabited our State a hundred years ago and more, and those of the Civil War. There are other relics more or less noteworthy, such as those of the Revolutionary War, the Mexican War, the Indian wars and the recent Spanish War. And besides all these we might give some consideration to historic heirlooms that have been transmitted from foreign lands and long ages past, to the present generation, and which in course of time will naturally drift into a public depository as the safest and most honorable refuge.

The relics which are to receive special attention today relate to the Mound builders, the Indian tribes and the Civil War and the question before us is what part should the State of Arkansas as a state take in the collection of these relics, their classification, preservation and display. Is it a duty which the State owes to general science and to the educational interests of her own citizens to become the custodian of these wonderful sources of history and the dispenser of their manifold treasures? Or shall we say that our State may proudly pursue the course of her destiny and ignore all such things, relegating them to the cold charity of private enterprise or foreign control?

Mound Builders.

A cursory review of the character of these prospective relics may be a help to a practical understanding of the question. The

[1]For sketch of Rt. Rev. J. M. Lucey see foot-note on first page of the chapter by him in this volume on the Catholic Church in Arkansas. He read this paper before the meeting of the Arkansas Historical Association at Little Rock May 22, 1908.—Editor.

mounds which are to be found from Ohio, in a southwesterly course, to Mexico are the only evidence which the historian possesses of the existence of the race of people who occupied our continent before the advent of the American Indian. That there was such a race of people, that they possessed a higher degree of civilization than the Indian and that they have vanished from the face of the earth, seem to be accepted historical facts. When the time arrives in the history of our State for the pursuit of scientific enquiries, the very first consideratum will be to get the relics contained in those mounds and their history. Judging the future by the past, the corroding rust of time and the lawless destruction of the mounds will soon remove beyond human reach the most important specimens of the life and work of the race of people who built them.

Arkansas is comparatively rich in those treasures, but they are fast disappearing. Thirty-five years ago the speaker saw on the roadside five miles north of Pine Bluff in Jefferson County a mound from 12 to 15 feet high. Today it is not distinguishable from the other land of a cotton field. Near Toltec, Lonoke County, are mounds that have furnished to one or more institutions of learning their most valued collections. A study of these mounds in the light of modern research might lead to the discovery of a geography and geology of our State that differs widely from what we now accept and perhaps might lead to knowledge of minerals and water ways beneath the surface of the earth of which we little dream.

Indian Relics.

It is well known that the white population of Arkansas is of comparatively recent origin. In 1785, according to the census there were in Arkansas only 196 white persons. In 1799, the number increased to 368 and in 1820, the census gave 14,255. One hundred years ago, wild Indians roamed over forest and prairie in their hunting parties; Indians occupied Arkansas from at least the time of De Soto to their removal west in the first half of last century. The Osages lived north, and the Quapaws south, of the Arkansas. The Cherokees were given land in northwest Arkansas and lived there for many years prior to

1828. The Choctaws moreover lived in western Arkansas between 1820 and 1825.

These facts will enable anyone to perceive that the life of the Indian tribes of Arkansas extended over several centuries and must be of great historical interest. The tribes that dwelt here, the life they led and their many strifes and battles could even now be fairly well described by an ordinary historian who should devote his time and talents to the work. Many of those who are present at this meeting have seen Quapaw Indians, Osages, Cherokees, Chickasaws and other tribes and know their personal appearance. You have seen their bows and arrows, their rifles, their hunting shirts and their moccasins, their canoes and all the pomp and circumstances of their glorious war dance.

In Honolulu, the capital of the Hawaiian Islands, there is a museum whose building, equipment and specimens, might be easily valued at one and a half million dollars. One of the most interesting features is the department of anthropology where are shown specimens in art of the inhabitants of the islands for more than three centuries. Century by century, men, women and children are shown arrayed in their national costumes, together with the usual articles of war and peace, their shields, lances, guns, boats and all the paraphernalia of ordinary life. The educational value of the exhibit cannot be overestimated. Almost every day, senior students from some school are making a study of that collection, and it is safe to say that they learn the history of their land more clearly and thoroughly in one hour spent in that museum than they could possibly learn in a month or a year in a class room.

The Indian tribes that inhabited the lands of Arkansas and those with whose lives the people of the State have become more or less entwined, afford us a fine subject of historical research and before it is too late an effort should be made to gather and preserve their records and relics.

About twenty years ago, the Smithsonian Institute of Washington City sent a representative to Pine Bluff, Arkansas, for the purpose of locating and removing the body of Saracen, the last chief of the Quapaws. Judge J. W. Bocago, now deceased, then one of the oldest and most learned in historical lore of the

citizens of the town told the speaker that every possible effort that intelligence and money could make was made to effect the purpose of the visit. Those who had the necessary knowledge refused to give it to strangers as they felt a local pride in their State and believed that the time would come when the noble character of Saracen would be better known and appreciated and that the people of Arkansas would then take a delight in placing the great Indian chief among their own heroes.

Civil War Relics.

The collection and preservation of the relics of the Civil War is a work that appeals to those of Southern sympathies in a twofold manner. They are historical in the usual acceptance of the term, because they are representations of a period of our civilization that holds a natural and important place in the history of the world. But these relics possess another value to a large number of the citizens of a southern state. They are mute evidences of the truth that the southern soldier was not a rebel. Whatever a vast majority of a people do cannot be classed as rebellion. It may be a revolution but not a rebellion. If it can be shown that the vast majority of the southern people rose up in the war of 1861-65 to defend their rights, the war was not a rebellion. But these relics of the Civil War are mute evidences of that fact and they should be sacredly gathered and preserved.

There are several battlefields in which the citizen soldiery of Arkansas bore a glorious part. Among those outside the limits of the State may be mentioned Oak Hill, Shiloh and Franklin. Within the borders, we have, Elk Horn, Prairie Grove, Helena, Fort Smith, Pine Bluff, Arkansas Post, Back Bone and Jenkins' Ferry, besides others of less notoriety. The capture of Little Rock may take its place among the battles of the war on account of the fortifications erected and the maneuvering which both armies employed. At the present time, a first class civil engineer can draw out from accessible data the plan of these battles and the location of the different commands. He can show by relief work and otherwise the most important features of the mighty struggles. What is so easy to be done

now on account of the number of living participants, cannot be done at all after the lapse of another quarter of a century.

In Albany, the capital of the Empire State of New York, there is a capitol building which cost something near twenty million dollars. An immense lobby or hall is located in the center of the building which is a veritable museum of art and history. Among the articles that have an honored place there are Civil War relics. Specimens in art are shown of soldiers and officers in every branch of service. The arms used, flags, army wagon, Red Cross ambulance, tents, cooking utensils and everything else that belonged to army life in the Civil War, are correctly shown. There is no sham, everything being real. Students from colleges, learned professors from Europe and Asia and scientific men from all parts of our own continent find there valuable material for historical study.

There would be no great difficulty in collecting relics of the Civil War in Arkansas, if the State were to be their custodian. Year after year in the breaking up of families, heirlooms of the Civil War are lost on account of there being no public depository where they could be sent. Upon the battlefields of Arkansas are yet to be found some valuable relics. About ten years ago, the speaker visited Arkansas Post for the purpose of gathering a few war relics for the Confederate Museum of Richmond. In the forest southwest of the fort was found the remnant of a wagon load of artillery, bombs and broken shells. From the family of Col. Jas. H. Moore were secured a rifle, sword and other articles, all of which were sent to the Richmond Museum, and they formed at the time almost all the Arkansas war relics on exhibition there. Many rumors were current at Arkansas Post and vicinity about lost cannon being located and an assortment of army accoutrements being seen, which rumors were not traced to their sources because the collector had neither time nor money to bestow upon the work.

A few years afterwards a battleflag of General D. H. Reynolds' brigade was offered for sale in Pine Bluff by the old color bearer, Daglan Foley. While proud of the relic the old Confederate soldier needed the money for his family. The flag was bought for fifty dollars and sent to Richmond, as there was no state mu-

seum and no prospect of one being established in the near future. These incidents are given to throw light upon the present condition of the war relics of Arkansas.

In closing this imperfect sketch of the history of Arkansas relics of the mounds, the Indians and the Civil War, it may be said that there can be no doubt of their great historical value nor of the comparative ease with which a creditable collection could be made. The work must be taken in hand by the State, as a public depository means permanent care and adequate display, whereas a private depository would mean temporary custody and inadequate display. The discussion therefore reverts to the question what is the duty of the State of Arkansas in respect to the collection, classification, preservation and display of her historical relics? If your honorable body decide that the State has a most positive and imperative duty in this respect, it will be expected of you, as being most familiar with the matter, to suggest to the legislators one or more plans whereby the purpose may be most efficiently realized. Your own wisdom will no doubt suggest a feasible plan of operation, but I wish to urge you to take some definite steps towards practical work before you close the proceedings of the present session. Our great State looks to her men of commerce to direct her commercial destiny, to her men and women of the schools to shape her educational policy, but she also looks with earnest eyes to associations of history and the press to lead her on the high-road of research and science.

FRENCH HISTORY OF ARKANSAS.[1]

By Hon. M. W. Benjamin.[2]

Mr. President, Members of the Historical Society and Ladies and Gentlemen:

Arkansas has been under three different nations—France, Spain and the United States. In this article I propose to give so much of the history of Arkansas under the French rule as I have been able to collect from the meagre information that we now have in this country. The facts that I have been able to collect, I am satisfied, are reliable, but at the same time I am equally satisfied that there are many very important facts connected with our French history that I have been unable to obtain. There can be no doubt that a great many documents are now in the marine department at Paris, France, that would shed a great deal of light upon the French history of Arkansas, if we would take pains to get them translated. Arkansas was under French rule for over seventy-five years, fourteen years of which she was under the Canadian government, and for over sixty years of which she was a part and parcel of the French colony, Louisiana. So it is impossible to give the French history of Arkansas without giving a part of the history of Louisiana.

The first settlement made in Arkansas was made by Henri de Tonti at Arkansas Post, on the Arkansas River in 1686, between Easter Monday and the 24th day of June. The exact date is not known. The nearest you can approach to it is that

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[1]This paper was read before the Arkansas Historical Society in 1881, Mr. Benjamin being president at the time. It was issued in pamphlet form at that time, and is here reprinted for permanent preservation.—Editor.

[2]Mason W. Benjamin was born at Coldbrook, N. Y., May 3, 1837, moved to Illinois in 1857, taught school for a time and in 1860 was admitted to the bar. Upon the outbreak of the war he went to Kansas, enlisted in the 5th Kansas cavalry and served therein throughout the war. He settled at Little Rock in 1865, served in the legislature of 1868 and as solicitor general in 1868-69. Sept. 29, 1869, he married Miss Sue E. Riddell of Kentucky. He died in Little Rock Nov. 28, 1888.—Editor.

when De Tonti went to the mouth of the Mississippi River in search of LaSalle, he left there on Easter Monday and came up to the Arkansas River and established a military post, which he called Arkansas Post, then left and went to Illinois, at which place he arrived June 24, 1686. When you take into consideration that Arkansas Post was about one-third of the distance that he traveled, you can reasonably claim that the first settlement in Arkansas was made about the first of May, 1686. This post was garrisoned by six men under the command of Contoure, who was a native of Rouen and was a carpenter by trade. At that time all the French possessions in America were under the Canadian government. How long Contoure remained in command and who succeeded him I have been unable to accurately ascertain. In 1719, more than thirty years after the first settlement, a man by the same name was clerk of the superior council of Louisiana, and he was probably the same man, for at that time, or soon after, we find in command of Arkansas Post Lieut. De LaBoulaye, who probably relieved Contoure.

In 1699 De Iberville and Bienville arrived at the mouth of the Mississippi River for the purpose of establishing a colony. They examined the coast and the river as far up as the mouth of Red River, and concluded to establish their colony at the Bay of Biloxi. Sauvolle, a brother of Iberville and Bienville, was made the first governor of Louisiana. He remained governor until he died, July 22, 1701. His death left in command Bienville, who was soon appointed governor. In 1704 King Louis XIV. concluded that it was not well for his colonists to be alone, so he sent twenty girls to Louisiana to be married to them. Just how many of these were sent to Arkansas is unknown. In 1705 Bienville reported that the males had become "reconciled to corn as an article of nourishment, but the females, who are mostly Parisian, have for this kind of food a dogged aversion, which has not yet been subdued." They were so enraged at this kind of food that they declared that they would leave the colony. This was called the "petticoat insurrection."

The enemies of Governor Bienville soon commenced to send accusations against him to the king. They soon so prejudiced the king that on the 13th of July he appointed De Muys gov-

ernor, and made an order removing Bienville as soon as De Muys arrived. De Muys died at Havana on his way to Louisiana, so Bienville continued to act as governor.

In 1709 the scarcity of food was so great among the colonists that they had to live upon acorns. In 1710 the scarcity of food was still greater, and Bienville had to scatter a large portion of the colonists among the Indians to live.

September 14, 1712, the king farmed out the colony of Louisiana to Anthony Crozat, giving him the exclusive privilege of trading with the colony for fifteen years, and of sending once a year a ship to Africa for negroes; the right to work all mines of precious metals discovered in Louisiana by paying a royalty of one-fifth on precious metals and stones, and one-tenth of all other metals; the right to own absolutely all the lands he would improve by cultivation; all the buildings he would erect, and all the manufactures he would establish, also the privilege of nominating the officers of the colony to be appointed by the king. In consideration of these privileges Crozat was to send two ship loads of new colonists to Louisiana every year, and after nine years to pay all civil and military expenses of the colony. At the time of this grant to Crozat, the colony consisted of about four hundred persons, including twenty negroes. La Motte Cadillac, the founder of Detroit, was the first governor appointed under Crozat's grant. He arrived at the colony May 17, 1713. In 1714, after he had time to examine what was in Louisiana, he made a report upon the condition of affairs, in which he claimed there was a single church in the whole colony, and that it was the worst government in the universe. He remained governor until March 9, 1716, but all the time he was governor he was in constant trouble, both with the colonists and the Indians. Bienville was ordered to act as governor until De la Epinay, who had been appointed governor, could arrive. He arrived March 9, 1717.

Crozat found no profit in his scheme, and on the 13th day of August, 1717, he surrendered his charter to the king. This grant did not remain long in the hands of the king, for on the 6th of September, 1717, it, with enlarged privileges and powers, was granted to John Law's Western company, commonly known

as his Mississippi scheme, a company with a capital of one hundred million livres. Law soon recommended Bienville for governor, and on the 9th of March, 1718, he was reappointed governor. About the same time a concession or grant of land was made by the king to John Law, of twelve miles square, upon the Arkansas River, upon which he was to settle fifteen hundred Germans and to keep up a body of infantry and cavalry sufficient to protect the colony from the Indians. Law, with his usual activity, commenced to send Germans to settle his grant. On the 16th of September, 1720, the ship Lo Profond arrived with forty passengers for Law's concessions under the charge of M. M. Elias and Le Bouteaux, and again on the 9th of November two more ships arrived containing one hundred and eighty-six passengers, a part of whom were for Law's concessions, and with whom was M. Le Vens, the director of Law's concessions. On the first of March, 1721, a ship arrived with forty Germans for Law's concessions. On the 15th of April a ship arrived with supplies and three hundred and thirty Germans for Law's concessions, making in all over seven hundred Germans that Law sent to his concessions in Arkansas. These Germans were nearly all married men and brought their families with them. They all went upon the concessions and built pavilions for the officers and cabins for themselves, and broke up the ground and sowed it principally in wheat. Large store houses were also built; in fact, the settlement had every prospect of becoming a flourishing place but while this was all going on so satisfactorily here, the founder and patron of the colony, John Law, who had had such a remarkable career, financially failed, and the public clamor in France was so great against him that he had to leave and go to Venice, where he died in 1729. Notwithstanding Law's failure, the officers of Louisiana were anxious to maintain this flourishing settlement, and in November, 1721, elected M. Dufresne director and gave him orders to "make arrangements with all persons who were desirous of cultivating the land; also ordered him to build of cypress boards a hospital seventy feet long and twenty-one feet in width." But the colonists were so disappointed to learn of their patron's failure that they determined to leave, and they nearly abandoned

the settlement at once and went down the river with the intenion of returning to Germany, but the officers of Louisiana induced the most of them to give up the idea of going back to Europe, and persuaded them to settle on the Mississippi River at a place ever since known as the German Coast.

In 1722 Law's concession was visited by LaHarpe, who found only forty-seven persons employed in cultivating the land, which was principally sown in wheat; but when he returned again in April he found the concession entirely abandoned. Such was the fate of the first agricultural settlement in Arkansas.

In 1721 for the first time is mentioned the name of a new commander of the Post of Arkansas—Lieut. De LaBoulaye. When and by whom he was appointed, I have never been able to ascertain. The Post at that time consisted of four or five palisade houses, a little guard house and a cabin used for a storehouse.

In 1719 LaHarpe had ascended the Red River for a long distance, then left the river and went north until he arrived at a tributary of the Arkansas. Here he found a fine prairie country covered with horse, cattle and buffalo. There had also long been a great many fabulous reports of mines of gold and silver and precious stones toward the head of the Arkansas River. In 1722 LaHarpe, in command of an exploring party, under orders and direction of Governor Bienville, made the first exploration of the Arkansas River that was ever made by white men. They were in search of mines and precious stones, also to find a place to establish a post in what is now known as the Indian Territory, with a view of furnishing the French colony with beef. According to DuMont, who accompanied the expedition as mathematician they ascended the river more than two hundred and fifty leagues, and then left the river and went fifty leagues back in the country, when the men under LaHarpe made such complaints that he returned, fearing if he did not he would, like LaSalle, be murdered by his own men. They failed to find the emerald rock for which they were hunting, but DuMont says they "had the satisfaction of traversing a very beautiful country, fertile plains, vast prairies covered with buffalo, stags, does,

deer, turtle," etc. He also says "I have no doubt there are gold mines in the country, as we discovered a little stream which rolled gold dust in its waters." Knowing, as we do now, that millions of gold and silver are annually taken out of the mountains on the head waters of the Arkansas, we cannot come to any other conclusion than that these French explorers were men of keen, shrewd judgment, and if they could have pushed their exploration into the mountains, they would have found the mines they so much coveted.

In 1724 Bienville was relieved and called to France to answer charges that his enemies had presented against him, and Boisbrant was ordered to act as governor *ad interim.*

In 1726 Perier was appointed governor.

In 1728 the king sent the second ship load of girls to the colony to marry the colonists. The girls this time were under the charge of the Ursurline nuns. Each one brought with her a casket filled with clothing, and from this they were always known as the casket girls. Perier was more progressive than any of his predecessors. He made many important recommendations in regard to improvements; in fact, to him belongs the honor of building the first levee in the United States. He leveed New Orleans in front of the city; also the Mississippi River for eighteen miles both above and below the city. During his administration also occurred the Natchez massacre and war. Among the killed at this massacre was Father Poisson, the first missionary in Arkansas.

The Western company soon found that there was no profit in their charter, and on the 23d of January, 1731, surrendered it to the king.

Bienville was re-appointed governor in 1733, which position he held for ten years, making in all, over twenty-nine years that he was governor of Louisiana, during which time he founded the city of New Orleans. During the last ten years he was governor he had a part of the time an Indian war with the Chickasaw Indians, and in one of his reports to the French government, according to Gayarre, we find the following: "That more than half of the cattle, horses and provisions which had been gathered at Fort St. Francis, in Arkansas, had been lost

in crossing over the marshes and low countries they had to go through on the way to the place of rendezvous at the mouth of the Margot." Now this is all that I have ever found in regard to Fort St. Francis in Arkansas. This reference was made in 1740, and I hope some one else may give us the full history of Fort St. Francis.

Bienville was succeeded, May 10, 1743, by the Marquis of Vaudreuil, who was governor for the next ten years. His administration was the most princely of all the French governors. During his administration we find a new commander at the Post of Arkansas, who had in all probability been in command for some time previous to his administration. This new commander was a M. Delino, who was accused of going to New Orleans without permission for the purpose, as he supposed, of casting lots for the distribution of new troops among the several posts. While absent he left a corporal in command, who conspired with the soldiers and stole all they could carry away, and then deserted, so that when Delino returned he had neither old or new troops to command. During Vaudreuil's administration, in 1751, a ship landed with a few pieces of sugar cane, which had, together with some negroes who knew how to cultivate, been sent by the Jesuit fathers of Hispaniola to the Jesuit fathers of Louisiana for the purpose of seeing if sugar cane would grow in Louisiana. They planted it and it grew and ripened. From this small beginning originated what is now one of the great industries of America—growing sugar cane and making it into sugar.

The same ship that brought the sugar cane brought sixty French girls, sent by the king to Louisiana for the purpose of marrying to such of his soldiers as had distinguished themselves for good conduct. Each soldier, upon being married, was to be discharged from the military service and was to have a concession of land, "one cow and calf, one cock and five hens, one gun, one ax and one spade."

All of the girls were selected and married but one ugly one, without difficulty, and that one two soldiers wanted to marry, and would have had a serious quarrel over her but for the fact

that the governor's attention was called to it and he decided which one should marry her.

This was the third and last shipment of girls to Louisiana by the king. There is no other instance in American history where the government has shipped girls to any colony or state for the purpose of marrying them off to the colonists or soldiers.

Vaudreuil was succeeded by Kerlerec, who continued to act as governor until 1762, when Louisiana was ceded to Spain. Many complaints were made against him, and when he returned to France he was cast into the bastile for having spent ten millions in four years in pretending to prepare for war.

During the fourteen years that Arkansas was under Canadian rule there is nothing to show what laws, if any, were enforced; but during the sixty odd years that Arkansas formed a part of the French colony of Louisiana their jurisprudence forms an interesting part of our early history. During all this time the government was monarchial and despotic in its nature. The people had no voice in making their laws. No legislative body was ever convened in the colony, and the right of suffrage did not exist in any shape. For the first thirteen years the colony was small and nothing is said of its laws. In 1712 Louis XIV. in his charter to Crozat expressly provided that "our edicts, ordinances and customs, and the usages of the mayoralty and shrievalty of Paris shall be observed for laws and customs in the said country of Louisiana." This continued to be the only law in force in the colony until 1717 when the king, in granting the charter to the Western company, not only provided that the country should be governed by the common law of the provosty and viscounty of Paris, but added the laws and statutes of France. To these laws both the king and governor at different times added several edicts.

In 1724 the king issued a royal edict making it an offense punishable with death for any one not the owner to kill or maim a horse or horned animal, and making it a fine of three hundred livres for the owner, without permission from competent authority, to kill his own horse, his own cow or sheep, or their young ones, if of the female sex. A more cruel or blood-thirsty law could not well be conceived. A human life to be sacrificed

and ushered into eternity for simply wounding an old cow or an old horse.

In 1727 the king revised and applied to Louisiana an old edict of Henry II., which made it a capital crime for an unmarried woman to conceal her pregnancy. This law was looked upon with great displeasure and contempt by the colonists.

In 1728 an edict was issued by the king in regard to perfecting the concession of lands granted, and requiring a tax of one cent per acre, whether in cultivation or not, and a tax of five livres on each slave, the proceeds of which were to be used in building churches and hospitals. This was the first and only tax law passed by the French for this country.

In 1733 the king made an edict arbitrarily fixing the prices of all the surplus produce raised by the planters of this country.

In 1737 the king issued a free trade edict for ten years, between this country and Martinique, Gaudaloupe, Trinity, Dominique and others islands of that archipelago. This edict was renewed and kept in force as long as the country remained a French colony.

The edicts of the governors were almost exclusively upon the subjects of slavery.

In 1722 Governor Bienville issued what has been known ever since as the "Black Code." It provided for the expulsion of all Jews from the colony, the establishment of the Roman Catholic church and the prohibition of all other kinds of worship. It provided that all slaves must have religious instruction and that all slaves not under a Catholic should be confiscated. All marriages and concubinage between the whites and blacks were prohibited, and if a master lived in concubinage with one of his slaves and had issue, he was to be fined three hundred livres and the confiscation of his slave. No slave to be married without consent of master and no master to force slaves to marry. All children to follow status of mother. All Christian slaves to be buried in consecrated grounds. Any slave who carried an offensive weapon or heavy stick was to be whipped, except when hunting under written consent of master. Slaves who congregated in crowds, either by day or night, for any cause, were to be whipped and branded, and in bad cases to suffer death, and the master to be fined thirty livres for suffering such gathering.

All negroes prohibited from selling anything without written permission, and any one purchasing should be fined 1,500 livres. All masters who failed to feed and clothe their slaves were to be punished, and in case of failing to provide for old or disabled slaves, the slaves were to be sent to the hospital and the bills for keeping them were made a lien upon the master's plantation.

Everything the slave had belonged to the master, and the master was responsible for everything done under his command or in his shop in the particular line with which he was trusted, or if done without his authority he was responsible for so much as had turned to his profit. No slave to be a witness except when it was a matter of necessity, in default of white men, but in no case a witness against his master. Any slave striking his master or mistress or their children so as to produce a bruise or shedding of blood in the face, or committing an outrage or violence against a free person, or committing important thefts, to suffer capital punishment. Runaway slaves for first offense to have ears cut off and shoulder branded; second offense, hamstrung and branded on the other shoulder; third offense, death.

No one allowed to harbor slaves. When a slave is sentenced to suffer death, he is to be appraised and a proportional tax levied on all other slaves to pay for him. No master allowed to use the rack but allowed to put slaves in irons and whip with rod or rope. Masters and overseers to be punished for killing or mutilating slaves.

Husband and wives belonging to same master not to be seized and sold separately, and children under fourteen years old not to be separated from parents; such sales to be void. Slaves from fourteen to sixty not to be sold for debt, except purchase money.

Supreme council can permit masters, twenty-five years old, to set their slaves free. Such manumitted slaves can receive no donations from white persons and must treat their former masters with more respect than any one else.

Such was the "Black Code" made by Bienville. It was the germ, origin and source of most of the slave laws that were enacted in the United States for the next hundred and forty years. It was a wonderful blending of humanity and cruelty. It

contained many kind and humane provisions for the slaves, and many harsh, cruel and inhuman provisions against them.

In 1729 the superior council, on the recommendation of De LaChaise, passed a decree in regard to the succession of Indian wives who had married French husbands. The priests had solemnized many marriages between the French and the Indians. On the death of the French husband the Indian widow claimed one-half of the property, according to the French law. The French objected to this, because the Indian widow almost invariably left the French—with the property—and joined the wild Indians. So, in order to definitely fix the rights of Indian widows who had French husbands, and to prevent the property of the French being taken to the wild Indian, the superior council decreed that all such estates should be administered by a tutor, if there were any minor children, and if no minor children, by a curator of vacant estates, who should pay the Indian widow one-third of the entire revenue of the estate, but which payment should cease as soon as she joined her tribe.

In 1750 Governor Vaudreuil made an edict making police regulations for New Orleans quite similar to Bienville's "Black Code," but it was not made applicable to any other part of the colony. This comprised our law when we were a part of the colony of Louisiana.

Let us examine for a moment the method of enforcing these laws. The judicial proceedings of the colony—the judicial power up to 1719, was vested solely in a supreme council which consisted of the governor and three others and they had original jurisdiction to try all civil and criminal cases. In 1719 the judiciary was changed. The colony was divided into nine districts, Arkansas constituting the eighth district. The directors of the Western company, or their agent, who resided in the district, was the judge of the district and had jurisdiction of all civil and criminal cases by calling to his aid in civil cases two of the chief men of the vicinage to help him try the case, and in criminal cases by calling to his aid four of the chief men of the vicinage. From the decision of this court there was an appeal in all cases to the superior council, which consisted of the governor, two lieutenant governors, the king's attorney general and four other persons, who in 1722 were increased to

five and such of the directors of the Western company as might happen to be in the colony. In all civil suits three, and in all criminal suits five, constituted a quorum to do business, and where, on account of absence or sickness, the members present did not make a quorum, the members present could complete a quorum by calling the most respectable persons of the colony to act with them. Some one of the court was selected as senior councillor, and he was the president of the council. In all the preliminary matters connected with the council he discharged the duties of a judge. He also collected the votes—ascertained the individual judgment of each member and pronounced the judgment of the tribunal.

Some of the proceedings, when compared with judicial proceedings of the present day, are very remarkable indeed. In 1738 a man by the name of LaBurre committed suicide. The court appointed a curator to take charge of the corpse. An indictment was then framed against the corpse for suicide, and an actual trial had and a verdict of suicide rendered; whereupon the dead man was solemnly sentenced to be deprived of a Christian burial, and his body decreed to lie and rot and bleach "on the face of the earth, among the offal, bones and refuse of the butcher's stall." Such were the laws, courts and judicial proceedings during our French colonial times.

THE FIRST HISTORICAL SOCIETY OF ARKANSAS.

By Mrs. Myra McAlmont Vaughan.[1]

"The friends of science in the city of Little Rock are respectfully invited to meet at the State House on Tuesday the 12th, at 4 p. m. for the purpose of forming an association relative to the above named object."

This simple notice was the forerunner of a meeting on the 16th of May, 1837, at which time "The Antiquarian Association of Little Rock" was formed, a constitution adopted, and officers elected. The membership fee was fixed at five dollars per year, and an annual meeting for the first Monday in May agreed upon.

The following officers were elected:

Hon. Edward Cross, president.
Dr. David Holt, vice president.
Rev. W. W. Stevenson, vice president.
Wm. Cummins, vice president.
Rev. J. W. Moore, secretary.
Dr. Allen Sprague, treasurer.
G. C. Watkins, corresponding secretary.
Rev. Wm. P. Ratcliffe,
W. C. Scott,
Allen Martin,
} Executive Committee.[2]

November 25, 1837, this society was incorporated by the State of Arkansas and re-christened, "The Antiquarian and Historical Society of the State of Arkansas." By her charter this society was allowed a board of nine members, all from the county of Pulaski, with authority to receive gifts, legacies, etc., not to exceed a yearly value of ten thousand dollars, with power to sell or dispose of property as desired by the trustees, conforming to the rules usual in such cases.

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[1]For sketch of Mrs. Vaughan see page 260 of vol. I. of Publications of Arkansas Historical Association. She read this paper before the meeting of the association at Little Rock, May 22, 1908.—Editor.

This was a good beginning and some good work was done, but nothing of record until July of 1841. Dr. Wm. Gaulding, in an article for the *Gazette*, dwells at length on the great mineralogical and geological riches of Arkansas, and directs especial attention to the mounds of the State and the numerous Indian relics taken from them. He says: "At one place on the banks of the White River, there are visible traces of an ancient regularly planned town where streets have been laid out at right angles, and where edifices have been constructed of brick."

He advises that a room be set apart and that those interested in the subject in all parts of the State be asked to contribute to the collection of curiosities which should embrace, "Not only specimens of natural and artificial curiosities, but also a library of rare and valuable works, an orrery, a chemical laboratory and an apparatus for making experiments in natural philosophy and chemistry." He says that the remains of an enormous fossil animal had been found on the St. Francis River, and a fossil reptile on Saline River, both of which had been destroyed by the sport of men and children.

Dr. Gaulding resumes the subject in August, 1841, and we learn that there was a cabinet of curiosities owned by the Antiquarian Society, and "a brief description of some of the specimens" is given. The first nine specimens are Indian pottery, only one described, as a bowl made to represent a bull frog and found with four other articles in the southeastern part of the State. Number ten is a fossil vertebral bone of the Paleotheriam Magnum of Borckland, twelve and one-half inches long, found on the plantation of Daniel Roland, thirty miles below Little Rock. A smaller bone and a mass of shells of great size of the genus *ostrea* were found at the same place. A fossil skeleton, said to be one hundred and fifty feet long, had been found on the Ouachita River in Arkansas Territory, some years previous, and had been described, and sent by Judge Bree to Philadelphia.

Thirteen Indian relics are next described, some from Pulaski County, some from the banks of the Saline River and two hatchets, a pipe and spoon are mentioned as having been found three feet under ground near Hot Springs. A collection of

flint arrow heads are next mentioned, as from various places, presented by Messrs. McVickar, Sabin and Jordan. The Mr. Sabin mentioned was one of the early settlers and one of the earliest to keep a hotel at Hot Springs. Number 19 is an old Spanish inscription on stone; location, foot of Big Rock; donor, Wm. E. Woodruff.

Dr. Gaulding does not neglect the minerals and expatiates on the oil stone of the Ouachita. He mentions rare crystals of quartz, also amethyst and millstone grit, from Saline County; magnetic ore from Magnet Cave; iron ore from Pulaski County; galena, iron pyrites, brown hematite, black and gray marbles, with fossiliferous limestone from Polk County, the shells in some cases filled with beautiful quartz crystals. He mentions the coal of Arkansas River, and that of the Ouachita, petrified woods and "various minor specimens of relics, minerals, and organic remains, etc., too numerous to mention." Dr. Gaulding asks "every man, woman and child in the State," to contribute to the collection and then says further:

> It is also believed that in almost every county there are gentlemen who would take pleasure in furnishing manuscript—historical sketches of their county and district. A more effectual way of securing the early history of the State could scarcely be devised . . . . .

and the writer says that while many subjects would suggest themselves, he gives a few items which "may not well be omitted," to-wit:

> The first settlement, the names of the first permanent settlers, and the narration of any remarkable incidents connected therewith; present seat of justice and probable population of the county, boundaries and towns; how watered; face of country, nature and varieties of the soil; agricultural productions, institutions, literary, religious, etc., rare medicinal or otherwise useful or remarkable plants; prevailing forest trees; whether the *bois d'arc,* evergreen holly and muscadine grape, are found native, how long since the buffalo disappeared, the remarkable fish, animals, and reptiles, and natural curiosities of every kind; prevailing rock formations, and whether limestone or otherwise, organic remains and coal, in what geological formation they are found, any mineral springs, their immediate locality, properties, reputed remedial virtues, etc., any diseases peculiar to the locality, affecting either man or animals—if so, their characteristics and probable cause, cure, etc., roads, mills, and mill seats; lands appropriated or unappropriated; observations on the climate, etc.

The writer did not expect any one person to descant on all these subjects but a few of the most important and those most

interesting to the contributor. He then suggests that the members of the legislature become the medium of transportation of such information and of such gifts as each might easily contribute to this valuable society, saying that nothing could better show their patriotism than this work which has for its only aim, "the preservation of our antiquities and early history—the education of our youth in natural science, and the intellectual improvement of all."

January 3d, 1842, the annual meeting of the Antiquarian Society was held and Rev. W. W. Stevenson was elected president, Rev. Wm. Yeager, vice president, Geo. C. Watkins, recording secretary, Wm. E. Woodruff, treasurer, Dr. Allen Sprague, librarian. The new members elected were, Thos. W. Newton, James De Baun, Geo. W. Paschal, W. S. Oldham, S. C. Roane, L. D. Evans, James S. Conway, Samuel W. Reyburn, Wm. Pelham, A. Fowler, Geo. Brodie, Dr. Chas. W. Dean, Dr. Thos. J. Pollard, Ezra Owen, A. N. Sabin, Lawson Runyon. Professor Froost of Nashville, Tennessee, Dr. Locke of Cincinnati, Rev. Joseph B. Amis of Johnson County, and Rev. C. Washburn of Benton County, were elected honorary members. The trustees were selected from the names already given, with the exception of D. J. Baldin, whose name was not otherwise given.

What a rich legacy of historical memoranda would we now possess if the suggestions made by these public spirited citizens had been complied with. But I suppose it was with them as with Hon. Jesse Turner, who wrote me when I asked him for old documents, notes, etc., bearing on the history of the State. He said he and the other pioneers had been so busy attending to their daily duties that few kept any notes and never thought of any one ever wishing to hear what they had done.

In the *Gazette* of January 26th, 1842, the address of the new president of the society, Rev. W. W. Stevenson, appeared. He says that in the four years' existence of the society more than one hundred specimens had been presented to the society, but that many valuable things had been lost through ignorance of their value. He mentions the remains of several great fossil animals among those lost or destroyed. Mr. Stevenson was particularly interested in the Indian mounds and at that early

day had an opportunity to see many that the hand of civilization has long since destroyed. He says that they are divided into two classes, and states that:

> The most striking difference is that the more recently formed, for the most part, are higher and more prominent and seem to have been places of defence, such as towers. This class is always found on the banks or rivers, or large lakes, formed by the river having changed its channel. Several very large mounds are found on the lakes or the low grounds of the Arkansas River. The more ancient are all nearly of the same dimensions, though they are more regular in their arrangement. In many places they are arranged as regularly as many towns, with narrow streets. These tumuli often cover only a few acres and at other places many hundred acres. It is worthy of remark that when they occur on a large scale the situation *is low* and on clay, while the tumuli themselves are formed of rich loam. They seem to have been formed by scraping the entire surface of the earth leaving the clay exposed.

Mr. Stevenson thinks their similarity to those in Asia indicates a common origin of the builders. He mentions having seen an old fort on the Saline River enclosing about six acres, with a ditch which was still three feet deep and some four or five wide, which he believes to have been the work of De Soto. He mentions another fort on "what is called Cane Hill," two acres in extent, which he thinks was built by old Spanish gold hunters, but gives no reason for his belief. Mr. Stevenson has all the instincts of a born collector and in his travels over the country, as a minister of the Baptist church, he kept an outlook for specimens, and tells of finding the vertebrae of the tail of an immense fossil in Clark County one mile beyond Barkman's.

In a communication of March 9th, 1842, in the *Gazette,* Mr. Stevenson asks the public for donations of "fossils, minerals, petrifications, old pottery or other Indian relics, old and rare volumes, manuscript, or articles of historical value, geological descriptions of places in the State, especially of the northern part, lists of wild beasts, now in the State or that have been found here, fowls, reptiles, fishes, insects, and their habits etc., also lists of plants and trees indigenous, with accurate history of each specimen."

I have found no further mention of the proceedings of the Antiquarian Society after 1842, in the files of the *Banner,* although other papers may have mentioned them. I do not

remember hearing the society mentioned when I was young, though I do remember seeing the collection in the state house. It was not until after the close of the Civil War that I came across anything further in regard to the collection of curiosities made by the old society. It was some time prior to 1872, as I preserved the article in a book at that time. I had not then learned how valuable precise dates are. In a communication to the *Gazette* an unknown writer says that,

> When Rev. Mr. Stevenson left for California, his successor had the whole collection (belonging to the Natural History and Antiquarian Society) laid in the state house main gallery, where it was subject to pillage from all who passed. At my instance the Little Rock Lyceum took possession of it for preservation till the society should be revived, and it was placed by vote of the society in my care. During my absence from the State, by what authority I know not, Capt. Alexander removed it for use of his school at Tulip, in Dallas County, the last I heard of it it was at Minden, in Louisiana.

During the year 1874, I became well acquainted with a family from Minden, Louisiana, and they told me there was a collection of Indian relics in Minden, that was said to belong to the State of Arkansas, but how it come to be there they did not know.

Now, it seems to me that the time has arrived for the historical commission of the State of Arkansas to make a requisition for the return of its property.[3] We have been altogether too negligent of the interesting relics of our State, while strangers have come in and carried them off to other states. I was especially struck by this fact when in Memphis in October of 1905. While visiting the Cossett library I was shown case after case filled with rare, and in some instances unique, specimens of Indian pottery, as well as a large collection of arrows, axes, etc., all collected on the Arkansas side of the Mississippi, not far from Memphis. A public spirited lady, Mrs. Carrington Mason, and her son Elliston Mason, had employed for years, a half breed Indian and negro, who had unearthed all these valuable relics, which Mrs. Mason and her son had presented to the library. Can we not find in our midst those who are equally public spirited and generous?

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[3]The editor by correspondence is unable to locate any part of this collection supposed to be at Minden.—Editor.

BIOGRAPHICAL NOTES.

Reverend Cephas Washburn, the Presbyterian minister, was the earliest settler, coming in 1820, as a missionary to that part of the Cherokee Indians then in Arkansas. He was the father of the painter of the well known picture, "The Arkansaw Traveler," and his descendants still live in the State.

Reverend J. W. Moore, another Presbyterian minister, came to Little Rock in 1828 and organized the first Presbyterian church in that city. His children and grand children live in the State, notably Hon. C. B. Moore, ex attorney general.

Reverend Wm. W. Stevenson, the second president of the society, was here as early as 1832, for in that year he left the Cumberland Presbyterian church to unite with the Christian church of Little Rock. His descendants still live in the State, though he removed to California, in 1849.

Reverend Wm. P. Ratcliffe came to Arkansas in 1833 as a minister of the Methodist church, and spent his life in the State in the service of that church. His son of the same name and grandsons are still with us.

Reverend Joseph B. Annis, another Methodist preacher, came to Arkansas in 1837, and was one of the four honorary members. He moved to Texas after the war where his only child, a son, follows in the steps of his father as a minister of the Methodist church.

Of the five physicians in the list, not one is represented by descendants in the State. Dr. David Holt had been a surgeon of the U. S. army. He married Governor Fulton's sister, who passed away only a few years ago.

I do not suppose there is a better known name in Arkansas than that of Wm. E. Woodruff, the pioneer editor, who came to Arkansas in 1819 and printed the first paper in the State, the only paper that has continued to this day, with a few months' exception, after the occupation of the city of Little Rock by the U. S. troops. He was a power in the land in those early days, and wielded an influence greater than that of any other one man in the State. There is no doubt in my mind, after a careful perusal of all the files of his paper and other papers of that day, that he and his paper elected Chester Ashley to the U. S. Senate. I am glad to say that representatives, to the third and fourth generation, of Wm. E. Woodruff, Sr., dwell in the State.

Lawyers were as plentiful as talented in those days, notably Absalom Fowler and Wm. Cummins of the Whig faction in politics. Oldham, Paschal and Geo. C. Watkins, all reached the supreme bench of the State.

Edward Cross, another lawyer, and first president of the historical society, was judge of the superior court in territorial days, later surveyor General of the State, member of congress, and still later on the supreme bench of the State. He was a prime mover in the organization of the Cairo and Fulton, later known as the Iron Mountain railroad, and was president of that company from 1855 to 1862. He was a brother-in-law of Chester Ashley. His only surviving son, Dr. Cross, and family, moved to Texas many years ago.

Another lawyer and also a member of congress was Thos. W. Newton, who defeated Paschal in the race for that office in 1845. Newton was the only Whig member of congress ever elected from Arkansas. Colo-

nels Robert and Tom Newton were his sons, and his son Tom and other descendants still dwell among us.

Sam. C. Roane, a noted lawyer of the early days, was at Arkansas Post in 1818, and helped Wm. E. Woodruff get out his first little newspaper at that place. He was a man of intellect, and in his early days, ready for anything that might help along. He won his way by hard work in his profession, and was appointed U. S. district attorney as early as 1820. Later he was judge of the circuit court of the Territory and was one of the makers of our first state constitution. Roane gained great notoriety as a lawyer in the early days when the fraudulent Spanish land claims were the subject of litigation. He was a good manager in politics and really seemed to be able to do well anything that he undertook. There are many Roanes still living in the State, descendants of him and his brother, Governor Roane.

Our first state governor, James S. Conway, was a member of the society. He came to the State as a surveyor, and was a brother of the well known Elias Conway. The Conway family is the only one that has given two governors to the State, and the science of surveying seemed to run in the family as we have among us a nephew of his, Conway by name, who is of that same occupation, while descendants of James Conway still dwell in our State.

Another surveyor is Allen Martin, who surveyed the site for the town of Little Rock. Many descendants of this old pioneer and his brother, James, still live in this city and vicinity, as do those of Samuel Reyburn and the staunch old Scotchman, George Brodie.

Only one French name is there in the list of members, James De Baun, a native of Paris, who married a Quapaw wife and who has one grandson still living in Arkansas.

Two of the most enthusiastic members of the society were A. N. Sabin and Dr. Alden Sprague. Sabin was a scientific man and an early settler of Hot Springs. Sprague was equally noted as a physician and man of learning. He built the brick at the southeastern corner of Main and Second streets, which was known as the "Sprague building", when I was a child. Sprague died in the 40's and his childless widow returned to her old New England home. Sabin died some years earlier. I do not know if he was a married man, or not, but it seems to me that I was told in Hot Springs, that he was a childless widower when he died.

BATTLE OF PRAIRIE GROVE.

By Charles W. Walker.[1]

In the preparation of this paper my purpose shall be to give a correct statement of facts as they came under my personal observation and from information obtained from others who participated in that battle, recourse also being had to official records.

Ten miles southwest of Fayetteville lies the beautiful and picturesque valley of Prairie Grove, covering an area of four by six miles. In this valley on Sunday, the 7th day of December, 1862, was fought the memorable battle of Prairie Grove, a battle, though of comparatively short duration, was not exceeded in fierceness and obstinacy by any battle west of the Mississippi. The Confederate troops numbered about 12,000 of all arms under the command of Major General T. C. Hindman; the United States forces of Jas. G. Blunt and F. J. Heron, between 14,000 and 15,000. Hindman reached the battle field about

[1]Charles Whiting Walker, son of Judge David Walker, of the supreme court of Arkansas, was born at Fayetteville, Ark., Dec. 24, 1835. He received a college education, having been a student at Arkansas College at Fayetteville and Princeton College of New Jersey, graduating from the latter institution in 1858. He studied law under his father, and in 1860 was admitted to the bar at Carrolton to practice in the circuit and inferior courts of the State. His practice at Carrolton was cut short by the war. At Fayetteville June 3, 1861, he enlisted in Col. T. M. Gunter's company.

When the state troops were disbanded he in September, 1862, entered the Confederate service as a private in company A, 34th Arkansas infantry, commanded by Wm. H. Brooks. At the reorganization at Mt. Comfort in September, 1862, Mr. Walker was elected colonel of the 3d Arkansas regiment, but declined the commission, preferring to be with his brother, J. W. Walker, who was captain of company A. He participated in eleven battles during the war, was discharged from service April 23, 1865, at Sulphur, Bowie County, Texas.

Since the war Mr. Walker has resided at Fayetteville, engaging in the practice of his profession. He was a member from Washington County of the constitutional convention of 1868 and of the house of representatives of the general assembly in 1877. He became mayor of his home town in 1884. In politics he is a Democrat and in religion a Missionary Baptist.—Editor.

11 o'clock a. m. The composition of General Hindman's army was as follows: Generals D. M. Frost, Francis A. Shoop and John S. Marmaduke commanding divisions; M. M. Parsons, Joe Shelby and John S. Roan, brigades in Frost's division. James F. Fagan, D. McRae and R. G. Shaver's brigades, Arkansas troops, in Shoop's division.

General Roan commanded a brigade of Texans; Parsons' brigade consisted of Caldwell's, Hunter's, Steen's and White's regiments with Pendall's battalion of sharp-shooters and Tilden's battery; Frost's division consisted of Roan's brigade, J. B. Clark's, Mitchell's and J. D. White's regiments, Missouri troops, with Ruffner's battery and cavalry under General John S. Marmaduke. It was General Hindman's intention to engage General Blunt (James G.) at or near Cane Hill, but on the evening of the 6th, learning that General Heron (F. G.) was encamped at Walnut grove, three miles east of the Illinois, he moved toward Prairie Grove to intercept him. General Heron had been ordered by General Schofield, commander of the "Army of the Frontier," to move his division westward and unite his forces with those of General Blunt, and on the evening of the 6th of December was encamped at Walnut Grove four miles east of Prairie Grove. General Hindman reached Prairie Grove about 11 a. m. and established headquarters in an old church house. General Blunt did not arrive until about 3 p. m. and occupied the house in which Robert J. West formerly resided near the village of Viney Grove, and about one mile north of the ground occupied by the Missouri troops.

General Heron arrived at Prairie Grove two hours in advance of Hindman and took position on the west side of the Illinois River about one-fourth of a mile below where the Prairie Grove and Fayetteville road crosses the stream. The battle ground extended from the Illinois westward one and a half miles north, and south three-fourths of a mile. From the Illinois extending westward for two and a half miles is a ridge thickly covered with black and red oak; this ridge is a broad open and level prairie. On the northern side of the ridge Hindman's army was stationed, having decidedly the advantage in position.

Before entering upon a description of the battle, it may not be inappropriate to recount certain events connected with the formation of the army, more especially of the 34th Arkansas regiment, which bore so conspicuous a part in that memorable struggle. What I may say about Brook's regiment (34th) must not be regarded as said in disparagement of the other regiments composing Fagan's brigade; truer, braver men than they were not to be found in any army, but being a member of that regiment I was of course more conversant with its operation.

On the 1st day of September, 1862, at Prairie Grove, the 34th (Brook's) regiment of Arkansas infantry, of which the writer was a member, was organized. About the 4th of the month, the several companies went into camp at Mount Comfort, three miles west of Fayetteville, where the organization was completed. Here also, was organized the 3d Arkansas regiment, familiarly known in camp as the "Bloody 3d," commanded by Colonels Fitzwilliams, Peel and Charles W. Adams, consecutively. The last named afterwards in 1864 was made brigadier general.

The field officers of the 34th regiment were Wm. H. Brooks, Colonel T. M. Gunter, Lieutenant Colonel James Ousley, James R. Pettigrew, until 1863 at Little Rock when he was promoted, Duke and Peter Carnahan, adjutants. The companies, ten in number, and numbering about 1000 men, were commanded as follows: Company A, by T. M. Gunter for a short time, afterwards by J. W. Walker, until April, 1864, when he was killed in battle at Jenkins' Ferry, after that by Lee Taylor; company B, by F. R. Earle until March, 1864, when he was promoted to major, and James Mitchell promoted to captain of the company; company C, Sam Smithson; company D, William Ousley; company E, James E. Wright; company F, Cyrus Pickens; company G, James Hensley; company H, Captain Wallace; company I, A. V. Edmonson; company K, Captain Jas. R. Pettigrew, until 1863, at Little Rock when he was promoted to major, after that time by A. Wilson. Dr. W. B. Welch was surgeon of the regiment, afterwards of the brigade, and was division surgeon when the war closed. After leaving Mount

Comfort about the 8th of September, 1862, the regiment went into camp at Elm Springs, twelve miles northwest of Fayetteville, where it remained for about six weeks. After that it went to Spadra Bluff on the Arkansas River, where it received Enfield rifles; up to that time the regiment was armed with flint lock muskets, shot guns and squirrel rifles.

About the 15th day of November we struck camp and moved up to Camp Mazard on the south side of the Arkansas River and some three miles southeast of Ft. Smith. At this place the 34th with King's, Hawthorn's, and Bell's regiments were organized into Fagan's brigade and became part of Shoop's division. On the 4th of December the brigade crossed the Arkansas River and on the night of the 5th bivouacked at Oliver's store on Lee's Creek. Here took place the presentation of battle flags, and the distribution of ammunition to the regiments. On the morning of the 6th we took up the line of march, leaving our ordnance and all army stores at Oliver's, distant from Prairie Grove about twenty-five miles; the night of the 6th was spent at Cove creek, eight miles south of Prairie Grove. On the morning of the 7th about ten a. m. we met our cavalry having in charge two hundred prisoners, who were captured near the town of Prairie Grove; enthusiasm was kindled and with eager step we pressed forward to share in the "joy of contest." Among the prisoners was Major Hubbard, of the 1st Missouri cavalry.

Near the village of Prairie Grove, the army divided, the Missourians moving obliquely to the left and taking position near the Morton place, expecting soon to engage Blunt, while the Arkansas troops under Fagan moved on the Prairie Grove and Fayetteville road to the top of the hill that overlooked the valley below. Here we first caught sight of Heron's army, already in motion, their burnished guns and glittering bayonets presaging bloody work at hand. At this point we left the road and, filing right, took position one-fourth of a mile in the timber, the 34th on the extreme left of the brigade, with King, Hawthorne and Bell on the right.

The disposition of the troops at the opening of the battle was as follows: The Arkansas troops under General Fagan

occupied the extreme right, with Shaver north of the old road and the top of the ridge overlooking the Illinois valley. Roberts' battery in Shaver's brigade was placed in the road and was handled very effectively. This battery, the only one of rifled pieces, was captured by Joe Shelby in the Lone Jack battle; McRae's brigade was south and in rear of Fagan.

Fagan's brigade consisted of W. H. Brooks' (34th), James P. King's, A. L. Hawthorne's and Pleasant's regiments; Colonel Pleasant was killed early in the action and Colonel Bell took charge of the regiment. The Missouri and Texas troops, under D. M. Frost, were on the extreme left and about three o'clock engaged Blunt, who, being near Cane Hill and hearing the report of Heron's cannon, hastened on to his assistance.

The battle opened about eleven o'clock a. m. by brisk cannonading from the Federal battery (Murphy's), quickly responded to by Blocker on our left. The cannonading continued for a few minutes only, until two pieces of Blocker's battery were dismantled, and two artillery horses killed. This was rapidly followed by a charge of Heron's men who succeeded in driving back the weak support and capturing the battery. A forward move on double quick was made by the Confederates, the battery was taken and the Federals driven back in confusion. Here fell the gallant M. C. Duke, Brooks' adjutant, shot from his horse, while giving orders for the withdrawal of Blocker's battery to the rear.

Soon it became evident that our contention was not with Yankees, but we were to meet in a death struggle foemen worthy of our steel—western men from Kansas, Missouri, Iowa, Wisconsin and Illinois. These wore the blue and contended for principles they believed to be right; they would resent with scorn the idea that they were fighting to free the "nigger." They fought to maintain that theory of government promulgated first by Alexander Hamilton—the Union is solido, an indissoluble Union, a strong national government, the rights of the states being merged in the general government, and all power centralized at Washington.

On the other hand those who wore the gray fought not to preserve the institution of slavery—four-fifths of them never

owned a slave, but for those principles for which our fathers fought—for the rights of the states under the constitution; holding that our government was the product of a compact between sovereign states and that all rights not expressly delegated to the general government by the states were reserved to the states and to the people thereof. This form of government had Jefferson for its founder, Madison, the father of the constitution, for its interpreter, and Chief Justice Marshall for its expounder.

The battle between Heron's division and Fagan's and Shaver's brigade opened about eleven a. m. and continued with unabated fury for about five hours. The once peaceful valley, now a field of carnage, was swept with shot, shell, grape and canister. The shriek of the wounded and groan of the dying often rose above the din of battle. The Borden orchard of about six acres was the storm center around which the battle raged furiously. Charge after charge across the valley and up the hill on which was Borden's house, was made by the gallant boys in blue, only as often to be repulsed by the boys in gray. It was regarded as a vantage ground and its occupancy was stubbornly contested by both armies.

About three o'clock Blunt came up on the left and was engaged by the Missourians. Brave men met each other and many went down in the shock of battle, while the continuous roar of artillery and the rattle of small arms resounded through the length and breadth of the once peaceful valley. Thus the battle on both sides continued, ofttimes with doubtful success, until about five o'clock December's sun went down on the ensanguined valley, leaving the victorious Confederates in possession of the battlefield.

Between sunset and dark General Blunt in person, under a flag of truce, came over to General Hindman's headquarters and requested permission to collect his wounded and bury his dead. Temporary hospitals were improvised on the ground by both armies; the wounded were cared for and the dead deposited in temporary graves. Afterwards they were exhumed and laid to rest, the blue in a beautiful well kept cemetery three-fourths of a mile southwest of the public square of the city of

Fayetteville; the gray in a beautiful and neatly kept cemetery of four acres on the side of East Mountain, one-fourth of a mile from the city. The one has been adorned and maintained by the Federal government, the other has been purchased, neatly walled, beautified and adorned with a magnificent monument in the center, surrounded with beautiful marble headstones, indicating the last resting place of the heroes who poured out their life blood as an oblation on the altar of their country's freedom. The one is kept and maintained by a rich government; the other, by the loving hearts and willing hands of the dear women of the Southern Memorial Association, a befitting monument to their devotion to the southern cause.

During the night of the 7th both armies were retreating. The Federals began moving their trains to Fayetteville early in the night; the Confederates began their retreat about midnight. The victory of the Confederates, though complete, was fruitless, barren of good results to the South. Never were men more exultant. To leave a field won at so great a price and turn their faces southward, leaving behind their homes, their wives and children, all that was dear to them, was a thing to them unaccountable. But the command to march was given and on they went.

"Theirs not to make reply,
Theirs not to reason why,
Theirs but to do and die."

If the idea of permanent occupancy of northwest Arkansas ever had lodgment in the minds of military authorities of the Trans-Mississippi, that idea was abandoned in March, 1862, when more than half of the army was transferred east of the Mississippi River. During the summer of 1862, some of those who went over returned and recruiting was active for a few months, and by December, 1862, a considerable army had been collected.

But it may be asked if it was not the intention to occupy this part of the State, why was General Hindman's army sent here? To this it may be replied, that the commander of the department thought many men who had been born and reared in Washington and Benton counties, were forced into the Fed-

eral service, that they were southern in sentiment and only awaited an opportunity to unite their fortunes with the people of the South—that they would not voluntarily submit to coercion, but would if opportunity presented, "strike for their altars and their fires, for the green graves of their sires, God and their native land." But in this they were mistaken.

Again it may be asked, if General Hindman was victorious, why did he abandon the field? Two reasons may be assigned for this: first, he had positive orders from the commander of the department to return to Little Rock; second, he was twenty-five miles from his base of supplies, with ammunition almost exhausted and men destitute of foods. Besides this a report came to him late in the evening that Schofield was at Fayetteville with seven thousand men, and relying upon the truth of this report he was unwilling to renew the fight next day.

General Schofield in his communication to Major General Curtis, admits the defeat of the Federal forces and assigns as the only reason of their escape a false report of his arrival with re-enforcements. He says, "At Prairie Grove, Blunt and Heron were badly beaten in detail and owed their escape to a false report of my arrival with re-enforcements."

According to General Hindman's report, our loss in killed was 164, wounded 817, missing 336; Federal loss 400 dead on the field, 1500 wounded, number of prisoners in our hands 275, including 9 officers.

Thus closed the hard fought and stubbornly contested battle of Prairie Grove.

OFFICIAL ORDERS OF GOVERNOR HARRIS FLANAGIN, COMMANDER IN CHIEF OF THE MILITIA OF ARKANSAS.

By John Hugh Reynolds.

CONTENTS.

1863. From Little Rock as Headquarters.

July 20. Special order No. 1 appoints Gordon N. Peay adjutant general.

General order No. 1 directs commanders of regiments to report strength and condition of each company.

Aug. 10. Proclamation directing all males capable of bearing arms to organize themselves into companies to defend the capital against the approaching Federal army.

General order No. 2 gives detailed directions to commandants of regiments respecting the enlistment and organization of companies called into existence by the foregoing proclamation.

Aug. 31. General order No. 3 commands the colonels of the militia of certain counties near Little Rock to send at once their militia to protect the capital.

From Arkadelphia as Headquarters.

Sept. 14. Special order No. 2 assigns W. H. Trader to the command of the militia and volunteer forces of Arkansas.

Sept. 15. Special order No. 3 appoints W. C. Adams and Drury H. Ross as inspectors and appraisers of horses, their equipments, and arms of Reed's company.

Sept. 16. General order No. 6 directs the militia of the counties of southwest Arkansas to report at once to him at Arkadelphia.

Sept. 29. General order No. 4 authorizes Willoughby Williams, Jr., to organize volunteer troops for the defense of the State.

Sept. 30. Special order No. 5 authorizes Thos. B. Hancock to raise a volunteer company for the State.

Oct. 2. General order No. 7 exempts from militia duty all who may enter the Confederate service under General James F. Fagan.

From Washington as Headquarters.

Nov. 7. Special order No. 6 authorizes Peter G. Brown to raise a company of mounted riflemen for the State.

Nov. 11. Special order No. 7 commissions A. J. Jones to enroll the militia of Sevier County and report the same to the adjutant general.

Nov. 11. Special order No. 8 directs A. J. Jones to exempt from the militia enrollment of Sevier County certain classes of persons named, such as public millers, physicians, preachers.

Nov. 16. Special order No. 9 authorizes Capt. A. D. King to attach his company to Hill's regiment of Marmaduke's command.

Oct. 20. Special order No. 10 authorizes Capt. R. A. Carrigan to issue commissary stores to state troops.

Oct. 21. Special order No. 11 directs Capt. Carrigan to issue to the troops one and a half pounds of beef to the ration.

Nov. 1. Special order No. 12 fixes Washington as the headquarters for Capt. R. A. Carrigan.

Nov. 25. Special order No. 13 commissions Robert J. Burke to organize a company of volunteers.

Dec. 4. Special order No. 14 authorizes Capt. John W. Dyer to raise a company of state troops.

Dec. 10. Special order No. 15 authorizes Capt. James R. Williamson to raise a company of mounted volunteers.

Dec. 20. Special order No. 16 authorizes Capt. John Cordey to raise a company of volunteers for state services.

Jan. 1, 1864. An order without number directs Col. William H. Trader to establish a system of pickets named in the order.

Jan. 11. Special order No. 17 appoints a court martial to try one Baker and others of company A.

Jan. 13. Special order No. 18 authorizes Capt. B. D. Turner to organize a company or battalion north of the Arkansas River.

Jan. 14. General order No. 8 names the companies assigned to the first battalion of mounted volunteers.

Jan. 19. Special order No. 1 orders a new election of officers in the companies of the first battalion.

Jan. 19. Special order No. 2 authorizes the discontinuance of the picket on the Little Missouri River.

Jan. 25. Special order No. 3 directs the commandants of companies in the service of the State to furnish the adjutant general with lists of certain men.

Jan. 25. General order No. 1 gives action of court martial in a number of cases and the official approval of the commander-in-chief.

Jan. 25. Special order No. 4 authorizes Capt. James T. Armstrong to raise a company of mounted volunteers.

Jan. 26. Special order No. 5 directs Col. Trader to detail men to guard the archives of the State at Rondo.

Jan. 31. Special order No. 6 directs Capt. M. L. Jones to perfect the organization of a company raised by him.

Feb. 3. Special order No. 7 authorizes Lieut. T. G. Henley to raise a company of mounted volunteers.

Feb. 12. Special order No. 8 authorizes Samuel F. Carter to raise a company of state troops.

Feb. 19. Special order No. 9 authorizes Needham Johnson to raise a company of mounted volunteers.

Feb. 24. Special order No. 10 authorizes Capt. J. D. Cockran to raise a company of mounted volunteers.

Feb. 27. Special order No. 11 directs J. W. Miller to reorganize Capt. J. R. Williamson's company.

Mar. 1. General order No. 2 regulates leaves of absence.

Mar. 4. Special order No. 12 dissolves court martial heretofore acting and establishes another.

Feb. 7. Special order No. 13 authorizes Capt. James M. McCain to raise a company of mounted volunteers.

Feb. 8. Special order No. 14 commissions R. L. Archer to raise a company of mounted volunteers.

Feb. 11. Special order No. 15 authorizes Capt. W. C. Cacoran to raise a company of mounted volunteers.

Feb. 15. Special order No. 16 authorizes Maj. W. F. Jones to raise a company for the service of the State.

Feb. 17. General order No. 2 gives the action of the court martial in a number of cases, and the orders of the commander-in-chief respecting each.

Feb. 19. General order No. 3 gives action of the court martial and of the commander-in-chief in the case of Thomas Porter.

Mar. 23. General order No. 4 gives action of the court martial and of the commander-in-chief in certain cases.

May 10. Special order No. 17 extends the time for Lieut. T. G. Henley to carry out special order No. 7.

May 23. General order No. 5 directs the arrest of deserters, those evading conscription, persons making illegal impressments and seizures of property.

May 30. General order No. 6 directs the arrest of parties attempting to smuggle negroes and horses into Texas.

May 30. General order No. 7 requires commanding officers to furnish adjutant general with lists of new recruits.

June 1. Special order No. 18 required Col. Trader to furnish ammunition to certain companies.

June 4. Special order No. 19 directs Col. Trader to keep certain officers and men on picket duty.

June 6. Special order No. 20 directs the court martial to try W. K. Ralls.

June 8. Special order No. 21 commands Col. Trader to detail as many men for temporary service at Washington as can be spared.

June 14. General order No. 8 directs captains of state troops not to enlist men subject to conscription under Confederate law.

June 30. General order No. 9 revokes all orders granting authority to enlist state troops.

June 23. Special order No. 22 directs the dismissal of proceedings in court martial against Lieut. Smalley.

June 25. Special order No. 23 directs that J. R. Skinner be discharged from Capt. Williamson's company.

June 28. Special order No. 24 orders the removal of distilleries from near camp of Capt. E. K. Williamson's company and the enforcement of better discipline regarding drinking.

June 29. Special order No. 25 commands Capt. John Caulky to enforce better discipline regarding stealing.

July 1. General order No. 10 gives the findings of the court martial and the action thereon of the commander-in-chief in case of Sec. Lieut. W. R. Ralls.

June 30. Special order No. 26 relieves Col. William H. Trader from state service for service in the Confederate army.

Nov. 1. Special order No. 13 directs Capt. R. A. Carrigan to issue provisions and forage upon the requisition of Col. Wm. H. Trader.

July 18. General order No. 11 regulates the disposition of captured arms and property and the granting of furloughs.

July 20. Special order No. 27 directs Capt. E. K. Williamson to make weekly reports to headquarters.

July 30. Special order No. 28 requires Capt. R. C. Reed to make weekly reports to headquarters.

Aug. 5. Special order No. 29 dissolved the court martial at Camp Trader and constitutes another at Camp Moore.

Aug. 8. Special order No. 30 directs Capt. R. C. Reed at Arkadelphia to act under the orders of Lieut. Col. Reiff of the Confederate army.

Aug. 12. Special order No. 31 directs Capt. E. K. Williamson to move the first battalion to Nashville, Arkansas.

Aug. 12. Special order No. 32 directs Col. Reiff to resume old duties in the state service at Arkadelphia.

Aug. 27. Special order 36 requires Capt. T. G. Henley to complete the organization of his company by electing certain officers.

Aug. 27. General order No. 12 gives the findings of the court martial and the action thereon of the commander-in-chief in the case of Capt. C. K. Holman.

Aug. 22. Special order No. 34 directs Capt. Robert S. Burke to arrest all deserters, persons without furloughs, and those avoiding conscription.

Aug. 31. General order No. 13 directs that arrangements be made for turning state troops over to the Confederate service.

Sept. 8. Special order No. 37 commands the transfer of the company of state troops under Capt. A. D. King to the Confederate service.

Sept. 5. General order No. 14 fixes the composition of the third regiment of Arkansas cavalry.

Sept. 5. Special order No. 38 commands that Capt. A. A. McDonald reorganize his company by the election of officers.

Sept. 12. Special order No. 39 directs Col. Robert C. Newton to order certain absent troops to rejoin their companies.

Sept. 19. Special order No. 40 commands Col. R. C. Newton to detail pickets and scouts for Rockport.

Sept. 21. Special order No. 42 directs Col. R. C. Newton to order the reorganization of Capt. C. K. Holman's company.

Sept. 24. Special order No. 43 directs the election of officers of the 3d regiment of Arkansas cavalry.

Sept. 24. Special order No. 44 dissolves a court martial and creates another.

Sept. 24. Special order No. 45 commands the discharge of Asa G. Bailey.

Oct. 10. General order No. 15 gives findings of the court martial and the action of the commander-in-chief thereon in certain cases.

Aug. 16. General order No. 16 promulgates rules governing absences.

Oct. 14. Special order No. 46 directs the arrest of C. M. Sutton, a private.

Oct. 25. General order No. 17 directs the transfer to the Confederate service of the 3d regiment of Arkansas cavalry.

Oct. 24. Special order No. 48 directs the inspection of the troops under Col. Newton.

Oct. 31. General order No. 18 gives the findings of the court martial and the action of the commander-in-chief thereon in the case of L. M. Brent and John Thompson.

Nov. 10. Special order No. 49 directs a new election for lieutenant colonel of the 3d regiment of Arkansas cavalry.

OFFICIAL ORDERS OF GOVERNOR HARRIS FLANAGIN, COMMANDER-IN-CHIEF OF THE MILITIA OF ARKANSAS.[1]

Headquarters, Little Rock, Arkansas, July 20th, 1863.

Special Order No. 1.

Gordon N. Peay is hereby appointed adjutant general of the State of Arkansas, to rank as brigadier general, under an act approved January 21, 1861.

H. FLANAGIN,
Governor and Commander-in-Chief of the Militia of Arkansas.

General Order No. 1.

Office of the Executive and Commander-in-Chief of the Militia of the State of Arkansas, Little Rock, July 29th, 1863.

To the Commandants of Regiments:

In view of the contingency that may arise in consequence of the recent disasters to our arms on the Mississippi River, it is necessary to ascertain immediately the effective strength and condition of the militia in each county between the ages of eighteen and forty-five years able to endure the fatigue and exposure of a short term of service.

You are therefore ordered to have made out and forwarded to this office, at the earliest possible moment, complete reports of the strength and condition of each company in your regiments, giving in such reports the names of officers and men. It is important that this duty should be performed immediately, in order

[1]The old order book containing these orders of Governor Flanagin was found by the secretary in the basement of the old state house in July, 1905. They are reproduced here with only slight modification in capitals and punctuation. Some words abbreviated in the manuscript are spelled in full here.—Editor.

that provision may be made for arming and equipping such number of men as may be called into the service. By command of

HARRIS FLANAGIN,

Governor and Commander-in-Chief of the Militia of Arkansas.

GORDON N. PEAY, Adjutant General.

(Copies forwarded to colonels of militia in each county.)

Proclamation by the Governor.

Whereas, from the reputed movements of the forces of the United States, since the recent reverses sustained by the arms of the Confederate States on the Mississippi River, it is believed that the enemy are massing their forces in the eastern part of this State, with the intent at an early day of advancing to and occupying the capital and of overcoming and devastating every portion of the country; and whereas, it is the highest duty that every citizen owes to his country in this crisis of her existence to organize and resist to the last extremity the advance of this mercenary and relentless horde, to drive them from our soil and save our hearthstones from desecration; and whereas, with the concurrence of the Military Board, by agreement with the general commanding the Trans-Mississippi department, as governor and commander-in-chief of the militia, I am authorized to raise a volunteer force for service in the field under my immediate command for the defense of the State, and such volunteers as are between the ages of forty and forty-five years, under said agreement and exempted from conscription and when mustered into service are to be furnished by the Confederate States.

Now, therefore, I, Harris Flanagin, governor of the State of Arkansas, do issue this my proclamation calling upon the citizens of every county in the State capable of bearing arms in defence of their homes, to immediately organize themselves into volunteer companies for one year's service, and report such organizations to the office of the adjutant general of the State in conformity with the instructions contained in the order herewith, issued by me as commander-in-chief of the militia of this State.

(By special agreement these troops are raised for the defence of the State, and will not be removed for other service.)

Given under my hand at the city of Little Rock, Arkansas, this 10th day of August, A. D., 1863.

H. FLANAGIN,
Governor of the State of Arkansas.

General Order No. 2.

Office of the Governor and Commander-in-Chief of the Militia of the State of Arkansas.

1. Commandants of regiments or battalions in each county are hereby charged with the duty of enrolling and organizing the volunteer companies for the defence of the State under the proclamation this day issued by the governor, and are ordered to make weekly reports of such enrollments to the office of the adjutant general of the State.

2. Each company must consist of not less than sixty-four and not more than ninety-six men, and shall have one captain, one first, one second, and one third lieutenant, to be elected by the privates, and such non-commissioned officers as may be necessary, to be appointed by the captains.

3. Every man will provide himself with such arms as he can procure, to be used until others can be furnished him, but no man will be rejected because of inability to arm himself.

4. When the number enrolled in any county is not sufficient to form a company, they will elect officers necessary to command them temporarily, and parts of companies thus formed will be hereafter united and organized into companies under orders from the office of the adjutant general.

5. In the formation of companies volunteers will be received between sixteen and sixty years of age, provided they have the physical vigor to undergo the fatigue of a campaign, and none others, as no benefit could result to the service from persons joining who are unfit for duty.

6. The captains or commandants of companies or parts of companies will report the same to the adjutant general as soon as organized, giving the names of officers and men in their reports.

7. In the absence of all the field officers in any county, volunteers will enroll their names with the clerk of the county court, and when a sufficient number are enrolled to form a com-

pany will be organized under orders issued from the office of the adjutant general. The clerks of county courts are requested to forward weekly reports of such enrollments.

8. Regiments and battalions will be organized after the rendezvous of the companies at the points to be hereafter designated, and captains of volunteers will appoint regular meetings of their companies, and hold them in readiness to march to the general rendezvous immediately after the receipt of orders, and provision will be made for subsisting companies to the general rendezvous.

9. The ranking field officer in each regiment will proceed to enroll and organize all forces within the limits of their commands, not subject to conscription and capable of bearing arms, who do not volunteer for service under the proclamation of the governor, to be used for strictly local defence; and where there are two regiments in a county and the field officers of one are absent, the ranking field officer of the other will perform the duty for both regiments. By order of

H. Flanagin,

Governor and Commander-in-Chief of the Militia of Arkansas.

Gordon N. Peay, Adjutant General.

Memoranda:—Four copies of the foregoing proclamation and order were sent to the colonels of the regiments of each county in the State, with the proclamation and call of Lieutenant General E. Kirby Smith.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Little Rock, August 31st, 1863.

General Order No. 3.

To the colonels commanding the militia of the counties of Pulaski, Jefferson, Saline, Hot Spring, Clark and Dallas:

It is necessary to have two thousand men at this place to act as guards, to relieve that number of Confederate soldiers for other duty and for that purpose the militia of your counties is hereby called into active service.

Every man between the ages of eighteen and forty-five years not in the service of the Confederate States is liable to duty. You will therefore immediately forward to this place the militia of your

county able to bear arms, including exempts and persons discharged under the conscript law, and civil officers and all persons who have substitutes.

You will exempt from service postmasters, telegraph operators and six physicians of your counties.

Volunteers under the recent call will come as volunteers or militia; volunteer organization can be completed here.

Men will be permitted to ride horses (without pay or without compensation for them), if they desire to do so.

As soon as you can get a company, send them on without waiting for all to come, and let every man who can arm himself.

Cavalry companies, well mounted and armed, will be accepted for twelve months' service.

Orders for supplies will be sent to Confederate States commissaries on request. By order of

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

(Copies sent to colonels of militia in Jefferson, Pulaski, Saline, Hot Spring, Clark and Dallas counties.)

Special Order No. 2.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Arkadelphia, Ark., Sept. 14, 1863.

Colonel W. H. Trader having reported at these headquarters for duty under the order of Lieutenant General E. Kirby Smith on the 4th inst., he is hereby assigned to the command of the militia and volunteers now being raised for state defence, until further ordered. By order of

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 3.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Arkadelphia, Ark., Sept. 15, 1863.

W. C. Adams and Drury H. Ross are hereby appointed and designated to view and appraise the horses, horse equipments and arms belonging to the men comprising Capt. R. C. Reed's com-

pany of mounted volunteers, mustered into the service of the State for the term of twelve months. It is, however, to be expressly understood that for all horses killed in action the State cannot be charged or held responsible for exceeding the sum of two hundred dollars per head, and for the value of the necessary horse equipage lost by reason of the loss of the horse.

By order of

H. FLANAGIN,

Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General.

General Order No. 6.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Arkadelphia, Ark., Sept. 16, 1863.

The militia of the counties of Clark, Hempstead, Sevier, Pike, Polk, Montgomery, Lafayette, Ouachita, Union and Columbia are hereby called into service and ordered to march to this place at the earliest possible day.

As soon as companies can be organized they will be sent forward without waiting for the advance of the regiment to which they may belong. You will mount men and compel persons evading the call to come to the rendezvous. Twelve months' mounted volunteers will be received.

There will be no exceptions except six physicians, one druggist, millers to supply the wants of the county, clerks, sheriffs, postmasters and persons in the employ of the Confederate States.

Persons to be exempted on account of personal disability must be manifestly incapable of duty, as the lame, blind, etc., or persons whose lives would be endangered by a month's service in camp.

The commanding officer believes, with the militia of the counties of Clark, Hempstead, Sevier, Pike, Polk, Montgomery, Lafayette, Ouachita, Union and Columbia, we can resist the Federal army. I ask that the people of southwest Arkansas will make one effort to save their homes from destruction. They were a proud and daring people. How many now will willingly bow

their necks to an invading foe. One effort such as freemen should make and the foe is driven back. By order of

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

(Copies of above order forwarded to colonels of militia in the counties named therein.)

Special Order No. 4.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Arkadelphia, September 29th, 1863.

Willoughby Williams, Jr., is hereby authorized to raise, muster in and organize volunteer troops for the defence of the State, under the call recently made for that purpose, and is ordered to report all organizations by companies or battalions as soon as formed to this office, and hold the same at such rendezvous as he may designate subject to orders from these headquarters. By order of

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 5.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Arkadelphia, September 30th, 1863.

Thomas B. Hancock, of Lafayette County, is hereby authorized to raise, organize and muster into the service a company of volunteers for state defence, and is ordered to report the organization to this office, at the earliest practicable moment. Sixty-four men is the minimum number of men required by law to form a company, but a company with a smaller number will be received, with the view to recruiting to the number required by law. By order of

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

General Order No. 7.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Arkadelphia, October 2, 1863.

It is hereby ordered, that all persons who may join the command now being raised by General James F. Fagan shall be thereby exempted from duty as militiamen of the State.

By order of

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 6.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, November 7th, 1863.

Peter G. Brown is hereby authorized to raise and muster in a company of mounted riflemen for one year's service of the State. This command will be retained in the counties of Perry and Yell for the present and will not be ordered to leave there unless for a few days at a time. By order of

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 7.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, November 11th, 1863.

The colonel of militia of Sevier County being reputed subject to conscription under the laws of the Confederate States, Captain A. J. Jones is therefore hereby authorized to muster and enroll the militia of said county and to report the same to the adjutant general of the State, in conformity with the orders heretofore issued for that purpose, at the earliest practicable moment. By order of

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 8.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, November 11th, 1863.

In the muster and enrollment of the militia of Sevier County, Captain A. J. Jones will, under the authority and order forwarded herewith, except from service six physicians of the county, one druggist, a sufficient number of public millers to supply the wants of the country, keepers of public ferries, clerks, sheriffs, postmasters, persons in the employ of the Confederate States, ministers of the gospel in charge of congregations or circuits, and the proprietor of the largest tannery and proprietors of salt works in operation for the public good.

Persons to be exempted on account of physical disability must be manifestly incapable of duty, as the lame, blind, etc., or persons whose lives would be endangered by a month's service in camp, which fact must be certified to by the regimental surgeon. By order of

H. Flanagin,

Gordon N. Peay, Adjutant General.

Special Order No. 9.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, November 16, 1863.

Captain A. D. King is hereby permitted to attach his company of volunteer state troops to the regiment of Captain Hill of Brigadier General Marmaduke's command with the consent of the general, and to operate with that command until further ordered. By order of

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 10.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, October 20, 1863.

Captain R. A. Carrigan, post commissary at Washington, Arkansas, will issue to the state troops upon the requisition of their commanding officer, all commissary stores which they may

need, and which are usually furnished to the troops of the Confederate States. By order of

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General.

Special Order No. 11.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, October 21st, 1863.

Captain R. A. Carrigan, A. C. J. and A. Q. M., will, from and after this date until further orders, furnish to the Arkansas state troops one and a half pounds of beef to the ration, instead of one and a quarter pounds as heretofore issued. By order of

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General.

Special Order No. 12.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, November 1, 1863.

Captain R. A. Carrigan, having been assigned to duty as A. C. J. and A. Q. M. to the Arkansas state troops, will proceed to establish his post at Washington, Arkansas, until further orders. He will do and perform all the duties of his offices, assuming a general direction over the regimental and battalion quartermasters and commissaries, who are hereby ordered to report all their proceedings and obey all instructions received from him relative to their duties in said departments. By order of

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General.

Special Order No. 13.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, November 25, 1863.

Robert J. Burke of Montgomery County is hereby authorized to raise, organize and muster into the service a company of volunteers for state defence. He is hereby ordered to report the

enrollment and organization of the company as soon as formed; to rendezvous the same at some point in Montgomery County and remain within the limits of said county until further ordered.

By command of

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

(Reported, and company [is] in the service of the State.)

Special Order No. 14.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, December 4, 1863.

Captain John W. Dyer of Hot Spring County is hereby authorized and empowered to raise, organize and muster into the service a company of mounted volunteers for state defence and is ordered to report the organization to this office as soon as formed. By order of

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

(Reported and company in the service of the State.)

Special Order No. 15.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, December 10, 1863.

Captain James R. Williamson is hereby authorized to raise, organize and muster into service a company of mounted volunteers for state defence for the term of one year in the counties of Polk and Scott, to rendezvous at such point as he may designate and remain in that section of the country until further ordered. And he is ordered to report the organization to these headquarters so soon as formed. By command of

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

(Reported, and company [is] in the service of the State.)

Special Order No. 16.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, December 20, 1863.

Captain John Cordey is hereby authorized to raise, organize and muster into the service a company of mounted volunteers for state defence, to serve for the term of twelve months, unless sooner discharged, in the counties of Yell, Perry and Montgomery, to rendezvous at such point as he may designate and remain in that section of the State until further ordered. And he is ordered to report the organization to these headquarters as soon as formed. By order of

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, January 1st, 1864.

Colonel William H. Trader, commanding state troops, will establish picket posts at the following points:

No. 1. In the neighborhood of Murfreesboro. The station should be on this side of the Missouri River, with pickets advanced on this side of the river to the crossing of the river in the road from Mount Ida, which crosses some distance up the river; also another on the road from Murfreesboro to Caddo Gap.

No. 2. In the neighborhood of Arkadelphia, with an outpost at or near Ensleys, and also at the crossing of Bayou Dewache, where the military road crosses, also on the Mount Ida road near Goldens, also near the big hill on the road leading up the north side of the Caddo; one near Arkadelphia to guard the roads crossing the river.

No. 3. Near the crossing of South Missouri, with an outpost on the Antoine at the crossing of the military road.

No. 4. In the neighborhood of Rockport and beyond it on the road.

The details will be strong enough to furnish six men at each station and outpost.

Any advance of a Federal force will be reported, leaving enough at the station or other suitable places to observe and report the movements of the Federals.

In selecting position they will be instructed to take places where they can watch the road without being observed. At night after dark new positions must be taken so that their position will not be known by spies, who may have observed in the daytime. The change must be as great as one hundred yards. The soldier on watch must be without fire at night.

In case of flags, ofttime the bearers will be stopped and the messages carried by one of the pickets to its destination.

The station beyond Rockport need not in all cases have six men, but must have three or more, and much discretion must be left to all officers at outposts, especially to No. 4.

Select men who are acquainted with neighborhoods as much as possible, viz: of Captain Dyer's company for No. 4; of Captain Reed's company for No. 2. In case all cannot be acquainted be careful to send such to each station.

You will relieve each station once a week, and instruct the officers not to leave a post or station until the relief comes, notwithstanding it may be evaded.

Hoping that the officers and soldiers will take interest in the matter necessary to its efficiency, I am

H. C.

Special Order No. 17.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, January 11, 1864.

A general court martial is hereby appointed to meet at Camp Trader on the 14th inst. or as soon thereafter as practicable for the trial of Private Baker of Company A, and such other prisoners as may be brought before it.

DETAIL OF THE COURT.

Captain E. K. Williamson, company A, state troops.

First Lieutenant James Ogden, company A, state troops.

Captain Reuben C. Reed, company B, state troops.

First Lieutenant Cyrus K. Holman, company C, state troops.

First Lieutenant W. C. Adams, company B, state troops.

Second Lieutenant Joseph H. Thomas, company B, state troops.

Third Lieutenant W. J. Meeks, company D, judge advocate.

No other officers than those named can be assembled without manifest injury to the service. By order of

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 18.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, January 13, 1864.

Captain B. D. Turner is hereby authorized to raise, organize and muster into service a company or battalion of mounted volunteers, north of the Arkansas River, for state defence, and is ordered to report the organizations as soon as formed, with proper certificates of election of officers and descriptive lists of men, with proper appraisements of horses, horse equipments and arms. By order of

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

General Order No. 8.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, January 14, 1864.

Ordered that the following named companies of Arkansas mounted volunteers, called into the service of the State under the proclamation of the 10th of August, A. D. 1863, compose and be designated as the first battalion, viz:

Company A, Captain E. K. Williamson.
Company B, Captain Reuben C. Reed.
Company C, Captain Allen T. Pettus.
Company D, Captain G. A. Hale.
Company E, Captain John W. Dyer.

And said companies are ordered to proceed on the 18th inst. to organize the battalion by the election of a lieutenant colonel to command it, and to certify such organization and election to the adjutant general of the State. By order of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 1.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, January 19, 1864.

The companies of Arkansas mounted volunteers designated in general order No. 8 of the 14th inst. as the first battalion having made returns of the election held on the 18th inst. under said order for the office of lieutenant colonel, from which returns it appears that neither of the parties voted for received a majority of the votes polled; it is ordered that the officers of said companies proceed to rehold said election on the 21st day of January, A. D., 1864, and continue to ballot until one of the parties voted for shall receive a majority of all the votes polled, and that the result of said election be certified to the adjutant general of the State. By command of

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 2.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, January 19, 1864.

Colonel W. H. Trader, commanding state troops, is authorized to withdraw or discontinue the picket at the crossing of Little Missouri River on the military road leading to Arkadelphia, if he shall deem it expedient for him to do so. By command of

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 3.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, January 25th, 1864.

Commandants of companies in the state service are hereby ordered to prepare and forward to the adjutant general of the State without delay complete lists of all members of their respective companies who were at the time of enlistment between the ages of eighteen and forty years. When any of the parties between the ages were exempt at the time of their enlistment from

service in the army of the Confederate States, or the operation of the conscript law, by reason of physical disability, or by reason of holding office under the state government, or had been previously discharged from service on account of physical disability, or for other reasons, the facts must be stated.

By command of His Excellency,

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

General Order No. 1.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, January 25th, 1864.

I. At a general court martial convened at Camp Trader by general order No. 8 of the 14th of January, 1864, issued from these headquarters, whereof Capt. E. K. Williamson of company A, Arkansas mounted volunteers, is president, was arraigned and tried:

1st. Jeremiah Forrester, private in company A, Arkansas mounted volunteers, in the service of the State.

Charge: Desertion.

Specification: In this that the said Private Jeremiah Forrester of Williamson's company A, Arkansas volunteers, state troops, did in the month of October, 1863, after the organization of said company A, desert therefrom. He being then and there a regularly enlisted soldier in the service of the State of Arkansas; all this in Hempstead County, State of Arkansas, in the month of October, 1863.

Finding and sentence: Of the specification of the charge, guilty; of the charge, guilty.

And the court do therefore sentence the said Jeremiah Forrester, private of company A, Arkansas state troops, to wear a ball and chain for the period of fifteen days, and that he forfeit all pay and allowances as a soldier from the State of Arkansas from the day of his enlistment to the 4th day of February, 1864.

2d. Private James D. Baker of company A, Arkansas mounted volunteers, in the service of the State.

Charge: Desertion.

Specification: In this that the said Private James D. Baker of Williamson's company A, Arkansas state troops, did in the month of October, 1863, after the organization of said company A, desert therefrom, he being then and there a regularly enlisted soldier in the service of the State of Arkansas; all this in Hempstead County, State of Arkansas, in the month of October, 1863.

Finding and sentence: Of the specification of the charge, guilty; of the charge, guilty.

And the court do therefore sentence the said James D. Baker as private of company A, Arkansas state troops, to wear a ball and chain for the period of thirty days, and to be put to hard labor during said time, and that he forfeit all pay and allowances due him as a soldier from the State of Arkansas from the 28th day of August, 1863, to the 19th day of February, 1864.

3d. Private Jabus W. Cameron of company A, Arkansas mounted volunteers, in the service of the State.

Charge: Conduct prejudicial to the duties of a soldier.

Specification: In this that Private Jabus W. Cameron of company A, Arkansas state troops, was found sleeping while on duty as a sentinel.

Finding and sentence: Of the charge, guilty; of the specification of the charge, guilty.

And the court, therefore, owing to his ill-health, former good conduct, the loose manner in which guard duty has been done, and his youthfulness, do sentence him to be reprimanded by the commanding officer on dress parade.

4th. Private H. Downey, company E, Arkansas mounted volunteers, in the service of the State.

Charge: Neglect of duty.

Specification: In this that the said Private H. Downey, company E, did on or about the 18th day of January, 1864, let a prisoner in his charge get out of his sight, he, the said Downey, being then and there on guard duty, a regularly enlisted soldier in the service of the State of Arkansas, and receiving pay as such.

Finding and sentence: Of the specification of the charge, guilty; of the charge, guilty.

And the court do therefore sentence him to be reprimanded by the commanding officer on dress parade.

5th. Private M. C. Staggs, company C, Arkansas mounted volunteers, in the service of the State.

Charge: Desertion.

Specification: In this that the said M. C. Staggs, private of company C, state troops, did in the month of October, 1863, after the organization of said company C, desert therefrom, he being then and there a regularly enlisted soldier in the service of the State and pay of the State of Arkansas.

Finding and sentence: Of the specification of the charge, guilty; of the charge, guilty.

And the court do therefore sentence the said M. C. Staggs, a private of company C, Arkansas state troops, to hard labor for the term of forty-five days, and that he forfeit all pay and allowances as a soldier from the State of Arkansas from the 3d day of October, 1863, to the 8th day of March, 1864. The labor to be performed in blacksmith or wagon shop of this command.

6th. Sergeant C. M. Sutton of company C, Arkansas mounted volunteers, in the service of the State.

Charge 1: Neglect of duty.

Specification: In this that the said Sergeant Sutton of company C, being a regularly enlisted soldier in the service of the State of Arkansas, did on the 12th day of January, 1864, fail to relieve the guard at the proper time, being sergeant of the guard, and being engaged in playing a game of cards at the time.

Charge 2: Conduct prejudicial to good order and military discipline.

Specification: In this that the said Sutton did on the 12th day of January, 1864, fail to relieve the guard at the proper time, he being engaged in playing a game of cards, and being sergeant of the guard at the time.

Finding and sentence: Of the specification to first charge, guilty; of the first charge, guilty; of the specification to the second charge, guilty; of the second charge, guilty.

And the court do therefore sentence the said Sergeant C. M. Sutton, company C, Arkansas state troops, to be reprimanded on dress parade by the commanding officer, and the stoppage of his pay from the 12th day of January to the 20th day of January, 1864.

II. The proceedings and finding in the case of Private Jeremiah Forrester are approved, and the sentence of the court will be carried into execution. It is, however, to be regretted that any man who has worn a ball and chain should be retained in the service to be the associate of honorable men. There is no punishment for desertion so appropriate as death.

The proceedings and finding in the case of Private James D. Baker are approved, and the sentence of the court will be carried into execution. It is to be hoped that the punishment of such a disgraceful offence by so slight a penalty may not produce evil instead of good.

The proceedings and finding in the case of Private Jabus W. Cameron are approved, and the sentence of the court will be carried into execution. The existence of the whole force depends upon the vigilance of sentinels, and neglect of duty should be visited by appropriate punishment.

The proceedings and findings and sentences in the cases of Privates M. C. Staggs and H. Downey are approved and the sentences of the court in their cases will be carried into execution.

The proceedings and finding in the case of Sergeant C. M. Sutton are approved and the sentence of the court will be carried into execution. The commander-in-chief is, however, of the opinion that the punishment is totally inadequate to the offense. An officer who wilfully fails to perform his official duty should be reduced to the ranks. This is due to the service as well as to the privates.

III. The court martial will continue its organizations until further orders. By command of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 4.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, January 25, 1864.

Captain James T. Armstrong is hereby authorized to raise, organize and muster into the service of the State of Arkansas a company of mounted volunteers for state defense, to serve for the term of one year; and he is ordered to report the organiza-

tion of the company as soon as formed to the adjutant general of the State. By command of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 5.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, January 26, 1864.

Colonel W. H. Trader, commanding state troops, will detail twenty men in charge of a lieutenant to be sent to Rondo to act as a guard for the archives of the State, deposited at that place.

By command of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 6.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, January 31, 1864.

Captain M. L. Jones, having tendered a company of mounted volunteers for state service, is hereby ordered to forward to these headquarters a certificate of the election of captain and first lieutenant of the company, and to proceed at the earliest moment possible to recruit it to at least sixty-four men, the minimum number of men allowed by law for a company; after recruiting to that number or a greater, he will complete the organization of the company by the election of second and third lieutenants, and forward certificates of election of these officers.

He is further ordered after such organization to make out and forward to the adjutant general of the State a complete muster roll and descriptive list of his company, including therewith an appraisement of their horses, horse equipments and arms; such appraisement will be made by three competent members of the company, to be designated by the captain of the company for that purpose. By command of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 7.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, February 3, 1864.

Lieutenant T. G. Henley is hereby authorized to raise, organize and muster into the service of the State of Arkansas a company of mounted volunteers, to serve for the term of one year, such company to consist of not less than sixty-four nor more than ninety-six men, and he is ordered to report the organization of the company as soon as formed and forward to the adjutant general of the State certificate of the election of officers and a descriptive list of the company, embracing an appraisement of the horses, horse equipments and arms. Such appraisement to be made by three competent members of the company to be detailed by the captain for that duty. By command of his Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 8.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, February 12, 1864.

Samuel F. Carter is hereby authorized to raise, organize and muster into the service of the State of Arkansas a company of mounted volunteers, to consist of not less than sixty-four nor more than ninety-six men, to serve for the term of one year. He is hereby ordered to report the organization of the company as soon as formed and forward to the adjutant general of the State a certificate of the election of officers and a complete descriptive list of the company, embracing therein an appraisement of the horses, horse equipments and arms. Such appraisement to be made by three competent members of the company to be detailed by the captain for that duty. By command of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 9.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, February 19, 1864.

Needham Johnson is hereby authorized to raise, organize and muster into the service of the State of Arkansas a company of mounted volunteers, to consist of not less than sixty-four nor more than ninety-six men, to serve for the term of one year. He is hereby ordered to report the organization of the company as soon as formed and forward to the adjutant general of the State a certificate of the election of officers and a complete descriptive list of the company, embracing therein an appraisement of the horses, horse equipments and arms. Such appraisement to be made by three competent members of the company to be detailed by the captain for that duty. By command of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 10.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, February 24, 1864.

Captain J. D. Cockran is hereby authorized to raise, organize and muster into the service of the State of Arkansas a company of mounted volunteers, to consist of not less than sixty-four nor more than ninety-six men, to serve for the term of one year. He is ordered to report his enrollments to the office of the adjutant general of the State every two weeks, and after the complete organization of the company to forward a certificate of the election of officers and a descriptive list of the company, embracing therein an appraisement of the horses, horse equipments and arms. Such appraisement to be made by three competent members of the company to be detailed by the captain for that duty.

By command of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 11.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, February 27, 1864.

First Lieutenant J. W. Miller, commanding Captain J. R. Williamson's company of Arkansas mounted volunteers, now in Polk County, is ordered to collect said company together and go into camps with them at the earliest possible moment, and as soon as thirty-five men are collected, he will cause an election to be held to fill the vacancy occasioned by the death of Captain Williamson, and certify the result of said election to the adjutant general of the State. Lieutenant Miller will, after going into camps with the men, drill them on all convenient occasions, and will make a daily statement of the condition of the company, noting carefully all daily absentees, and at the end of two weeks forward a copy of the same to these headquarters. The officer commanding the company is enjoined, while it occupies the country subject to Federal raids, to afford every possible protection to the people and to guard against a surprise by every possible means in his power. By command of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

General Order No. 2.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, March 1, 1864.

Hereafter no company officer will give leave of absence when one-tenth of the non-commissioned officers and privates are absent on leave. By order of

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 12.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, March 4, 1864.

The general court martial convened on the 14th of January, 1864, in pursuance of special order No. 17, is hereby dissolved,

and a general court martial is hereby appointed to meet at Camp Trader on the 12th instant, or as soon thereafter as practicable, for the trial of Lieutenant John J. Gruner of company A, first battalion of Arkansas mounted volunteers, and such other prisoners as may be brought before it.

Detail for the court:

Lieutenant Colonel Allen T. Pettus, first battalion.
Captain E. K. Williamson, company A.
Captain Reuben C. Reed, company B.
First Lieutenant Samuel Ogden, company A.
First Lieutenant W. C. Adams, company B.
Second Lieutenant Joseph H. Thomas, company B.
First Lieutenant R. C. Gilliam, company C.
Second Lieutenant Willis R. Ralls, company C.
Third Lieutenant William M. Wallis, company C.
First Lieutenant L. H. Smalley, company D.
Second Lieutenant R. A. Reid, company D.
Third Lieutenant D. H. Ross, company B.

By order of His Excellency,

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 13.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, February 7, 1864.

I. Captain James M. McCain is hereby authorized to raise, organize and muster into service of the State of Arkansas a company of mounted volunteers to consist of not less than sixty-four nor more than ninety-six men, to serve for the term of one year. He is hereby ordered to report the organization of the company as soon as formed and forward to the adjutant general of the State a certificate of the election of officers and a complete descriptive list of the company, embracing therein an appraisement of the horses, horse equipments and arms. Such appraisement to be made by three competent members of the company, to be detailed by the captain for that duty.

II. The company will not be entitled to elect a second and third lieutenant until it numbers at least sixty-four men, the mini-

mum required by law. By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General.

Special Order No. 14.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, February 8, 1864.

I. R. L. Archer is hereby authorized to raise, organize and muster into the service of the State of Arkansas a company of mounted volunteers, to consist of not less than sixty-four nor more than ninety-six men, to serve for the term of one year. He is hereby ordered to report the organization of the company as soon as formed to the adjutant general of the State, and forward a certificate of the election of officers and a complete descriptive list of the company, embracing therein an appraisement of the horses, horse equipments and arms. Such appraisement to be made by three competent members of the company to be detailed by the captain for that duty.

II. The company will not be entitled to elect second and third lieutenants until it numbers sixty-four men, the minimum required by law. By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General.

Special Order No. 15.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, February 11, 1864.

I. Captain W. C. Cacoran is hereby authorized to raise, organize and muster into the service of the State of Arkansas a company of mounted volunteers, to consist of not less than sixty-four nor more than ninety-six men, to serve for the term of one year. He is hereby ordered to report the organization of the company as soon as formed to the adjutant general of the State, and forward a certificate of the election of officers and a complete descriptive list of the company, embracing therein an appraisement of the horses, horse equipments and arms. Such

appraisement to be made by three competent members of the company, to be detailed by the captain for that duty.

II. The company will not be entitled to elect second and third lieutenants until it numbers at least sixty-four men, the minimum required by law. By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General.

Special Order No. 16.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, February 15, 1864.

I. Major W. F. Jones is hereby authorized to raise and muster mounted volunteers into the service of the State of Arkansas, to serve for the term of one year, and to organize them into a company or companies to consist of not less than sixty-four nor more than ninety-six men each.

II. Upon the organization of a company, certificates of the election of officers must be forwarded to the adjutant general of the State, and also a complete descriptive list of the company, embracing therein an appraisement of the horses, horse equipments and arms. Such appraisement to be made by three competent members of the company to be appointed and detailed by the captain for that duty.

III. Major Jones will report monthly to these headquarters his operations under this order. By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General.

General Order No. 2.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, February 17, 1864.

I. At a general court martial at Camp Trader, in pursuance of special order No. 12, dated 4th March, 1864, issued from these headquarters, whereof Lieutenant Colonel Allen F. Pettus is president, was arraigned and tried:

1st. McDonald Cowan, private in company C of first battalion of Arkansas mounted volunteers, in the service of the State.

Charge: Theft.

Specification: In this that on or about the 25th day of February, 1864, the said McDonald Cowan, a private of company C, first battalion state cavalry, being a regularly enlisted soldier in the service of the State of Arkansas, and on picket duty at Arkadelphia, did steal, take and carry away one saddle and one pair of saddle bags, the property of one J. W. Calloway.

Finding and sentence: Of the specification to the charge, guilty; of the charge, guilty.

And the court do therefore sentence the said McDonald Cowan to fifteen days' hard labor.

2d. John J. Turner, third lieutenant of company A, first battalion of Arkansas mounted volunteers, in the service of the State.

Charge: Violation of the forty-fourth article of war.

Specification: In that, the said Lieutenant Turner on the 29th day of February, 1864, failed to make his appearance at the regular muster of the state troops, of which he was aware; he then being on duty as an officer of said company; all that at Camp Trader on the day aforesaid.

Finding and sentence: Of the specification of the charge, guilty; of the charge, guilty.

And the court being fully satisfied that the said Lieutenant J. J. Turner intended no disobedience of orders or neglect of duty, but failed to attend on account of ill-health and ignorance of his duty on that occasion, do sentence him to be reprimanded by the commanding officer of his company.

3d. Private William Sloan, private in company B of first battalion of Arkansas mounted volunteers, in the service of the State.

Charge: Disobedience of orders.

Specification: In this, that on or about the 28th day of February, 1864, the said Sloan, being a regularly enlisted soldier in the service of the State of Arkansas, and being under the command of Lieutenant Kemp on picket post at the crossing of the Caddo river, did abandon his post and go to a house near by, and go to sleep, in violation of the ninth article of war.

Finding and sentence: Of the specification to the charge, not guilty; of the charge, guilty.

And the court do sentence the said William Sloan as follows: On account of his extreme youth, former good conduct and the influence exercised on him on that occasion by Price, that he be reprimanded by the commanding officer of the state troops on dress parade.

4th. Private James P. Archer, private in first battalion of Arkansas mounted volunteers, in the service of the State.

Charge: Using contemptuous and disrespectful language to his commanding officer in violation of the sixth article of war.

Finding and sentence: Of the specification to the charge, guilty; of the charge, guilty.

And the court does therefore sentence the said James P. Archer to go to his captain at roll call, and in the presence of his company make suitable acknowledgments and ask his pardon.

5th. William J. Meeks, second lieutenant of company D, first battalion, Arkansas mounted volunteers, in the service of the State.

Charge: Disobedience of orders.

Specification: In this, that on or about the 24th day of February, 1864, the said Lieutenant Meeks, being under the command of Captain E. K. Williamson of company A, commanding pickets, was ordered by said Williamson to report to him at Spernville in Clark County, in said State of Arkansas, and did fail and refuse to do so, by going to his home, some twelve miles distant.

Finding and sentence: Of the specification to the charge, not guilty; of the charge, guilty.

And the court therefore do sentence the said Lieutenant Meeks to be reprimanded by the commanding officer of his company.

II. The proceedings and finding in the case of Private McDonald Cowan are approved, and the sentence of the court will be carried into execution.

The finding and sentence of the court in the case of Private William Sloan are disapproved, and the prisoner will be ordered to duty.

It is necessary that a finding in order to sustain a sentence should be guilty of both charge and specification where there is but one specification. In this case the accused is found not guilty of the specification.

The proceedings and finding in the case of Private James P. Archer are approved, and the sentence of the court will be carried into execution.

In the case of Lieutenant Wm. J. Meeks, the charge is sustained but the specification not proven, or a sentence under the charge cannot be had. The punishment is light, and the president of the court will call the accused before the court and reprimand him, and he will be returned to duty. By command of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

General Order No. 3.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, February 19, 1864.[1]

I. At a general court martial convened at Camp Trader, in pursuance of special order No. 12, dated March 4, 1864, issued from these headquarters, whereof Lieutenant Colonel Allen F. Pettus is president, was arraigned and tried:

Thomas Porter, private in company C, first battalion of Arkansas mounted volunteers, in the service of the State.

Charge: Theft.

Specification: In this, that on or about the 25th day of February, 1864, the said Thomas Porter, private in company C, first battalion, state cavalry, being a regularly enlisted soldier in the service of the State, and on picket duty at Arkadelphia, did maliciously steal and take one saddle blanket and one bridle, the same being the property of one J. W. Calloway.

Finding and sentence: Of the specification to the charge, guilty; of the charge, guilty.

And the court does therefore sentence the said Thomas Porter to five days' hard labor, and to be reprimanded by the commanding officer of his company at roll call.

[1]This order is evidently not dated right, as the contents clearly show.—Editor.

II. The proceedings and finding in the above cause are hereby approved and the sentence of the court will be carried into execution. By command of His Excellency,

H. Flanagin,

Gordon N. Peay, Adjutant General.

General Order No. 4.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington March 23, 1864.

At a general court martial convened at Camp Trader in pursuance of special order No. 12, dated March 4, 1864, issued from these headquarters, whereof Lieutenant Colonel Allen T. Pettus is president, was arraigned and tried:

1st. Williby Blackard, private in company C, first battalion, Arkansas volunteers, in the service of the State.

Charge: Absenting himself without leave.

Specification: In this, that the said Williby Blackard, being a regularly enlisted soldier of company C, Arkansas state troops, and receiving pay as such, did in the month of February, 1864, abandon and run away from his command, at the town of Arkadelphia, in the State of Arkansas, whilst in charge of Captain E K. Williamson, commander of that post, in violation of the ninety-ninth article of war.

Finding and sentence: Of the specification to the charge, guilty; of the charge, guilty.

And the court, therefore, sentence the said Blackard to be dismissed from the state service and be turned over to the enrolling officer of Hempstead County, Arkansas, as a conscript, and that he forfeit all pay and allowance that may be due him from the State of Arkansas.

2d. Philip Price, private in company E, first battalion of Arkansas mounted volunteers, in the service of the State.

Charge: Disobedience of orders.

Specification: In this, that on or about the 28th day of February, the said Price, being a regularly enlisted soldier in the service of the State of Arkansas, and being under the command of Lieutenant Kemp on picket post at the crossing of the Caddo river, did abandon his post and go to a house not far distant and lay down and go to sleep, in violation of the ninth article of war.

Finding and sentence: Of the specification to the charge, guilty; of the charge, guilty.

From the testimony in this case, the court is of opinion that the prisoner is not of sound mind; that he was put on post in an irregular manner; that he was left at the picket post on Caddo river by Lieutenant Reed under arrest, because it was thought by him that he was not a man fit for duty near the enemy and should not have been put on duty. We therefore sentence him to be severely reprimanded by the commander of the state troops, and put to hard labor for the period of ten days.

I. The proceedings and finding in the case of Williby Blackard are approved and the sentence of the court will be carried into execution.

The finding of the court in the case of Philip Price is disapproved. If he is not of sound mind and was put on post without instructions, he ought not to be punished, and will therefore be ordered to duty without punishment. By command of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Order No. 17.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, May 10, 1864.

The authority granted in special order No. 7, dated 3d of February, 1864, issued from these headquarters to Lieutenant T. G. Henley is hereby extended and continued with instructions to him to report in conformity with the directions contained in said special order, within thirty days from this date. By command of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

General Order No. 5.

(Copy to Captains Burke, Miller and Edwards.)

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, May 23, 1864.

I. Officers commanding companies or detachments of troops in the service of the State are authorized and ordered to arrest all deserters from the Confederate service who are not willing and do not at once avail themselves of the terms specified in general orders No. 30, issued from district headquarters 20th of May, 1864, and deliver them to the commandant of the nearest Confederate post or station.

II. They are further ordered to arrest all persons between the ages of eighteen and forty-five years, who are subject to and avoiding conscription under the laws of the Confederate States, and deliver them to the proper enrolling officer.

III. Under general order No. 5, issued from headquarters of the Trans-Mississippi department on the 18th of February, 1864, no person can make impressments of property without written authority from General E. Kirby Smith or General Sterling Price, or the commanding officer of the army in the field, and all officers commanding state troops are authorized and ordered to arrest persons who are attempting to make impressments without the proper authority and deliver them to the commandant of the nearest Confederate post or station.

IV. Such officers are further ordered to arrest all persons who have taken homes or any other property from citizens on the pretext that they are disloyal or upon any other ground or pretext whatsoever, except by means of legal authority to make impressments, and send them to these headquarters.

By command of His Excellency,

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

General Order No. 6.

(Copy to Captains Miller, Burke and Edwards.)

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, May 30, 1864.

I. Information has been furnished to these headquarters from reliable sources that many negroes, horses, mules, said to have been captured within the Federal lines at or near the Arkansas River, are now being brought into our lines and carried into Texas and disposed of by the captors or their

agents. In order to defeat as far as possible these wholesale frauds, swindling, negro strewing, horse stealing and robbing, all officers commanding companies or detachments of state troops are hereby ordered and required to arrest any and every man found pressing through our lines, with such description of property, under any circumstances of suspicion, and send them with the property to these headquarters.

II. Such officers commanding state troops are ordered and required to give any assistance to the civil authorities they may require in the arrest of parties specified in the above paragraph.

III. Colonel Wm. H. Trader will publish and cause the above orders to be carried into execution by the troops under his command. By command of His Excellency,

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

General Order No. 7.

(Copy to Captains Miller, Burke and Edwards.)

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, May 30, 1864.

I. Officers commanding companies in the state service are ordered to furnish forthwith to the adjutant general correct muster rolls and descriptive lists of all the men recruited in their respective companies since the finding of their original rolls, embracing therein an appraisement of the horses, horse equipments and arms of such recruits. Such appraisements to be made by three competent members of the companies, to be designated for that duty by captain or officer commanding the company.

II. Colonel Wm. H. Trader will publish and cause the above order to be executed in the companies composing his command. By command of His Excellency,

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

General Order 18.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, June 1, 1864.

Colonel Wm. H. Trader, commanding first battalion of Arkansas mounted volunteers in the service of the State, will furnish ammunition to the state companies under the commands of Captains Burke, Miller and Abraham upon their requisitions or receipts for the same. By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 19.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, June 4, 1864.

His Excellency, Governor Flanagin, is advised that there are no pickets of Confederate troops on the road from Little Rock to Washington, and the withdrawal of the state troops will leave Washington, the present capital of the State, wholly uncovered. Colonel Wm. H. Trader will therefore countermand his orders to Captain Reed and Lieutenant Newton, directing them to report at this place and order them to remain with their companies at the positions they now occupy; to picket thoroughly the different roads in their fronts, to keep their men in camps and drill and discipline them as far as practicable, and have them in readiness to move at any time they may be ordered.

Colonel Trader will direct Lieutenant Newton to report his facilities for obtaining supplies for his command at the position now occupied by them. By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 20.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, June 6, 1864.

I. The general court martial convened at Camp Trader, under special order No. 12, dated 4th of March, 1864, is hereby ordered to reassemble at Camp Pettus on the 10th day of June

instant, or as soon thereafter as practicable, for the trial of Second Lieutenant W. K. Ralls of company C and such other prisoners as may be brought before it.

II. Captain E. K. Williamson of company A is hereby detailed as president of the court. By command of His Excellency,

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General State.

Special Order No. 21.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, June 8, 1864.

Colonel Wm. H. Trader, commanding state troops, will immediately on the receipt of this order, send an order to this post, with a detail of as many men and the necessary non-commissioned officers as can be spared from the command for temporary service at this post. By command of His Excellency,

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General State.

General Order No. 8.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, June 14, 1864.

I. All captains of companies of state troops, the companies of Captain Robert J. Burke, Captain Joseph W. Miller and Captain John W. Dyer are hereby ordered not to enlist any men in their companies between the ages of eighteen and forty-five years and subject to conscription under the laws of the Confederate States.

II. Colonel Wm. H. Trader will publish the above order to the companies of state troops under his command, except the company recently commanded by Captain Jno. W. Dyer.

By command of His Excellency,

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General State.

General Order No. 9.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, June 30, 1864.

I. All orders heretofore issued from these headquarters, granting authority to raise and muster troops into the service of the State, are hereby revoked from this date, except the orders issued to John Connelly, Lieutenant Henley, Wm. F. Jones.

II. Parties acting under such orders are required to report forthwith to the adjutant general of the State and file with him muster rolls and descriptive lists of the men enrolled and mustered into the service of the State.

By command of His Excellency,

H. FLANAGIN,

Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 22.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, June 23, 1864.

To Captain E. K. Williamson, President of Court Martial:

I am advised that Lieutenant Smalley was released from arrest and has been on duty for some months. It is therefore ordered that the proceedings against him be dismissed.

(Signed) H. FLANAGIN,

Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 23.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, June 25, 1864.

Upon satisfactory representations made at their headquarters in relation to the condition of J. R. Skinner, a private in Captain E. K. Williamson's company of Arkansas mounted volunteers, it is ordered that he be informally discharged and his name stricken from the rolls of the company. By command of His Excellency,

H. FLANAGIN,

Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 24.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, June 28, 1864.

I. Captain E. K. Williamson, commanding state troops, will enforce general order No. 11, issued from headquarters of District of Arkansas, February 17, 1864, in relation to distilleries; as the whiskey is not wanted by the Confederate States, he will require the owners to send it away from the vicinity of the camp and dispose of it and permit the proprietors to dispose of the grain they may have on hand.

II. It is reported that intoxication has become common in camp. This must be stopped. Captain Williamson will cause this order to be read on dress parade and afterwards arrest every officer or soldier who may be found intoxicated while in camp or on duty and exhibit charges against them.

By command of His Excellency,

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General State.

Special Order No. 25.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, June 29, 1864.

Captain John Caully, commanding state troops, is hereby authorized and ordered to arrest all persons found stealing or committing depredations; if they are soldiers and absent with or without leave, he will deliver them to their commands; if they are not soldiers, he will forward them to these headquarters.

By command of His Excellency,

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General State.

General Order No. 10.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, July 1, 1864.

I. At a general court martial convened at Camp Pettus in pursuance of special order No. 22, issued from these headquar-

ters and dated June 6, 1864, whereof Captain E. K. Williamson is president, was arraigned and tried:

Second Lieutenant W. R. Ralls of company C, first battalion of Arkansas mounted volunteers, in the service of the State.

Charge: Disobedience of orders and cowardice.

Specification: In this, that on or about the 22d of March, 1864, the said Second Lieutenant W. R. Ralls, being under the command of Captain C. H. Holman, was sent with six men under his charge on a scout into Sevier County with positive written orders to report back to Camp Trader in five days, and that he did not report until the evening of the 18th of April, nearly thirty days thereafter, although he was ordered, during said period, as often as three times to do so, thereby laying himself liable to the charge of cowardice when his country was invaded.

Finding and sentence: Of the specification to the charge, guilty; of the charge, guilty.

Therefore, the sentence of the court is, that the said Second Lieutenant W. R. Ralls of company C, Arkansas mounted volunteers, be and he is hereby cashiered and dismissed from the service, and all pay and allowances from the 29th of March, 1864, be stopped.

II. The proceedings and finding in the case are hereby approved, and the sentence of the court will be carried into execution. Lieutenant Ralls is no longer an officer of his company. He will be permitted to volunteer in the command or join the Confederate service. By command of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General State.

Special Order No. 26.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, June 30, 1864.

Colonel William H. Trader having reported for duty at these headquarters, under special orders from headquarters of Trans-Mississippi department of 4th of September, 1863, and having been assigned to the command of the volunteer forces organized for state defence, is now, in compliance with his own request,

relieved from command and ordered to report in person to General E. Kirby Smith, commanding Trans-Mississippi department.

By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Orders No. 13.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, November 1, 1864.

I. Captain R. A. Carrigan, A. Q. M. and commissary, will issue provisions and forage to the troops in the service of the State upon the requisitions of Colonel Wm. H. Trader, commanding.

II. Colonel Trader will examine, and if found correct, approve all such vouchers and abstracts of the quartermaster and commissary of the state troops as are required by commanding and the rules of the department, to be approved by commanding officers. By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

General Order No. 11.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, July 18, 1864.

I. All arms and property of every description captured by troops in the service of the State must be promptly reported, describing property, from whom captured and date and circumstances of capture, and must be held by the officer in charge of it subject to orders from these headquarters.

II. Officers commanding troops in the service of the State are expressly prohibited from granting furloughs or leaves of absence to more than one-tenth of their commands or companies at the same time, and they are hereby ordered to require all men who are granted furloughs or leaves of absence, to report promptly at the date of the expiration of the same, and on their failure to do so, must place them in arrest and prefer charges against them, and all absences without leave must be promptly

reported, stating the date of parties leaving and returning to their commands; and no man can receive pay for any time he has been absent from his command without leave, unless such absence is caused by unavoidable circumstances, to be inquired into by the officer commanding. By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 27.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, July 20, 1864.

Captain E. K. Williamson, commanding first battalion, Arkansas mounted volunteers, in the service of the State, will forward to these headquarters, after inspection on the first day of each week, a consolidated report as required by regulations of the several companies in camp under his immediate command.

By order of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 28.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, July 30, 1864.

Captain R. C. Reed, commanding post at Arkadelphia, is hereby ordered to forward to these headquarters, after inspection on each Monday morning, a consolidated report of his company and company E, commanded by Captain A. A. McDonald in the form required by regulations. By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 29.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, August 5, 1864.

The general court martial convened at Camp Trader on the 12th of March, 1864, in pursuance of special order No. 12, cur-

rent series, is hereby dissolved, and a general court martial is hereby appointed, to meet at Camp Moore on Monday, the 8th inst., or as soon thereafter as practicable, for the trial of such prisoners as may be brought before it.

Detail for the court:

Captain E. K. Williamson, company A.
First Lieutenant Samuel Ogden, company A.
First Lieutenant C. M. Sutton, company C.
Second Lieutenant Nathan Cook, company C.
Captain G. A. Hale, company D.
First Lieutenant L. H. Smalley, company D.
Captain C. K. Holman, company judge advocate.

By command of His Excellency,

H. FLANAGIN,

Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 30.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, August 8, 1864.

Captain R. C. Reed, commanding state troops at Arkadelphia, will until further ordered report to and operate under the orders of Lieutenant Colonel Reiff, commanding Monroe's regiment of Confederate troops, upon the arrival of that officer and his command at Arkadelphia. By command of His Excellency,

H. FLANAGIN,

Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 31.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, August 12, 1864.

1. Captain E. K. Williamson, commanding first battalion, Arkansas mounted volunteers, in the service of the State, will immediately move his command to or near the town of Nashville and establish his headquarters at that place until further ordered.

II. Captain Williamson will send his ordnance sergeant with a detail of five men to report to these headquarters immediately. By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 32.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, August 12, 1864.

His Excellency, Governor Flanagin, is advised that the regiment of Confederate State troops stationed at Arkadelphia, under the command of Lieutenant Colonel Reiff, has been ordered from that post. Therefore, Captain R. C. Reed will remain with his command at that post and resume the duties heretofore performed by him. By command of

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 36.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, August 27, 1864.

I. Captain T. G. Henley, commanding company of Arkansas mounted volunteers, in the service of the State, will complete the organization of his company by the election of first and second lieutenants, and the appointment of proper non-commissioned officers, and certify such election and appointment to the adjutant general of the State.

II. In the event of the promotion of battalion Second Lieutenant M. W. Edwards, Captain Henley will cause the vacancy in that position to be filled by election, and certify the same to the adjutant general of the State.

By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General.

General Orders No. 12.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, August 27, 1864.

I. At a general court martial convened at Camp Carrigan, in pursuance of special order No. 35, issued from these headquarters, and dated 24th of August, 1864, whereof Captain E. K. Williamson is president, was arraigned and tried:

Captain C. K. Holman of company C, first battalion, Arkansas mounted volunteers, in the service of the State.

Charge: Disobedience of orders and intoxication.

Specification: In this, that the said Captain C. K. Holman did on the 9th day of August, 1864, in the temporary absence of the commanding officer, release, against positive orders to the contrary, one Private Jacobs of company C from under guard, and said Captain C. K. Holman was on the same day under the influence of intoxicating liquors.

Finding of the court: Of the specification to the charge, guilty; of the charge, not guilty.

And the court do therefore decide from the evidence in the case that the defendant, Captain C. K. Holman, be released from arrest and assigned immediately to the command of his company.

II. The proceedings and finding in this case are hereby approved. An officer, however, left temporarily in command, cannot change the policy of the camp or the orders of the superior officer, and any such acts would be a serious breach of military usage and discipline.

III. The officer commanding the battalion will cause the above orders to be published on dress parade.

By command of His Excellency,

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General State.

Special Order No. 34.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, August 22, 1864.

I. Captain Robert S. Burke, commanding company of state troops in Montgomery County, is hereby ordered to arrest all deserters from the Confederate or state service, and all absentees

from either service without proper furloughs; such furloughs must be approved by the district commander of the State of Arkansas, if Confederate soldiers, or if state troops, by the superior officers commanding them.

II. He will also make diligent search for any guns and seize all that he may find not in the hands of soldiers in the service, absent on proper furloughs, and deliver them to Captain E. Ferguson, enrolling officer at this post.

III. He will also seize all mules and horses branded either with the United States or Confederate States brands that have not been conceded, when such horses or mules are not in the state or Confederate States service, and are held by persons under suspicious circumstances, and have them delivered to said Captain Ferguson, who is now acting as enrolling officer for Montgomery County.

IV. He will also take into his possession all negro property deposited in said county, or being carried through the county, when there are any circumstances of suspicion connected with them, and arrest the parties and deliver them with the negroes to said Captain E. Ferguson at Washington, Arkansas.

V. Captain Burke will also furnish all the assistance in his power in the arrest of all persons who are subject to and avoiding conscription under the laws of the Confederate States and deliver them to said Captain Ferguson; he will, however, exempt from arrest all persons who are manifestly incapable from physical or mental disability of discharging the duties of a soldier; all physicians over the age of thirty years who have been in the regular practice of their profession for the period of seven years; all keepers of public grist mills who are engaged in grinding for the public; all ministers of the gospel regularly engaged in the discharge of their ministerial duties; all members of the general assembly of this State, and all state and county officers exempted by virtue of the certificate of the governor, and such mechanics as are engaged in working for and whose services are absolutely indispensable to the public good.

By command of His Excellency,

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General State.

General Order No. 13.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, August 31, 1864.

I. The term for which the state troops were mustered into service being about to expire, and they being then subject to conscription under the laws of the Confederate States, with the view of maintaining the organizations and preserving their efficiency as far as possible, His Excellency, Governor H. Flanagin, proposes under agreement with General E. Kirby Smith to transfer them to the service of the Confederate States.

II. The companies commanded by Captain R. C. Reed and Captain Samuel Ogden (formerly Captain E. K. Williamson's company) have been reorganized with special reference to this transfer.

III. The companies of Captain C. K. Holman, A. A. McDonald, G. A. Hale and T. G. Henley will vote upon the question of transfer and report the result to the adjutant general of the State. Men whose terms of service have expired and who are not willing to be transferred, will be reported to and turned over to the proper enrolling officers of the Confederate States for conscription. Men whose terms of service have not expired and who are opposed to the transfer will be required to serve until the expiration of their term of enlistment, and such as do not then re-enlist will be turned over to the proper enrolling officers of the Confederate States for conscription.

By command of His Excellency,

H. Flanagin,

Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General State.

Special Order No. 37.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, September 8, 1864.

I. The company of mounted volunteers in the service of the State attached to Colonel Hill's regiment of Brigadier General Cabell's brigade, under command of Captain A. D. King, is hereby transferred to the service of the Confederate States, such transfer to take effect on the 30th inst.

II. Captain A. D. King will report at that date to Brigadier General Cabell or such officer as may then be in command of his brigade. By command of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General State.

General Order No. 14.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, Ark., September 5, 1864.

I. The following named companies of troops in the service of the State will constitute one regiment of cavalry, to be designated and known as the third regiment of Arkansas cavalry, viz:

Captain R. C. Reed's,
Captain C. K. Holman's,
Captain Samuel Ogden's
Captain G. A. Hale's,
Captain A. A. McDonald's,
Captain Robert S. Burke's,
Captain Joseph W. Miller's,
Captain T. G. Henley's,
Captain W. C. Cacoran's,
Captain John Connally's.

II. Colonel Robert C. Newton is hereby assigned to the command of the regiment until an election can be held for field officers, according to law. By command of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General State.

Special Order No. 38.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, September 5, 1864.

Captain A. A. McDonald will proceed to the reorganization of his company by the election of commissioned officers and the appointment of the proper non-commissioned officers. He will appoint three members of the company to hold such elections and cause the result to be certified to the adjutant general of the State. By command of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General.

Special Orders No. 39.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, September 12, 1864.

Colonel Robert C. Newton will immediately order the several detachments absent on duty from the companies of Captains Holman, Ogden and Hale to rejoin their respective companies and will as soon as practicable move with his command to or near this place. By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General.

Special Orders No. 40.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, September 19, 1864.

Colonel R. C. Newton, commanding third regiment, Arkansas State cavalry, will immediately put a command of his most reliable men on the south side of the Ouachita River at Rockport (the number necessary is left to his own judgment), with instructions to picket and scout the roads in front of that place in the direction of Little Rock and to send speedy reports of any Federal advance to Colonel Logan at Princeton, Arkansas, and to these headquarters. By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General.

Special Order No. 41.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, September 21, 1864.

Colonel R. C. Newton, commanding third regiment, Arkansas State cavalry, will order Captain W. C. Cacoran to report immediately to him with his company for duty.

By command of his Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 42.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, September 24, 1864.

Colonel R. C. Newton, commanding third regiment, Arkansas State cavalry, will order the reorganization of Captain C. K. Holman's company by the election of commissioned officers on the 1st day of October, 1864, and cause the result to be certified to the adjutant general of the State.

By command of His Excellency,

H. FLANAGIN,

Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 43.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, September 24, 1864.

I. The commissioned officers of the companies of Captains Reed, Holman, Ogden, Hales, Gillis, Burke, Miller, Henley, Cacoran and Connally, composing the third regiment, Arkansas State cavalry, will proceed to organize the regiment by the election of the field officers authorized by law on Saturday, the 15th of October, 1864.

II. Colonel R. C. Newton will cause the election to be held by the officers of the several companies under his immediate command, and the commanding officers of companies on detached service will designate the first sergeant and two other non-commissioned officers to receive the votes of their companies. The result of the elections to be certified to the adjutant general of the State. By command of His Excellency,

H. FLANAGIN,

Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 44.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, September 24, 1864.

The general court martial appointed under special order No. 35, issued from these headquarters on the 24th of August,

1864, is hereby dissolved; and a general court martial is hereby appointed to meet at Camp Reed, the headquarters of the third regiment, Arkansas State cavalry, on Tuesday, the 27th day of September, 1864, or as soon thereafter as practicable for the trial of Private Benjamin Smith of company C, and such other prisoners as may be brought before it.

Detail of the court:

1. Captain R. C. Reed.
2. Captain Samuel Ogden.
3. Captain G. A. Hale.
4. First Lieutenant L. H. Smalley.
5. First Lieutenant C. M. Sutton.
6. First Lieutenant M. W. Edwards.
7. Second Lieutenant W. W. Magee.
8. Third Lieutenant P. R. Johnson.

Captain C. K. Holman, judge advocate.

No other officers than those above named can be assembled without manifest injury to the service.

By command of His Excellency,

H. FLANAGIN,

Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 45.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, September 24, 1864.

Upon satisfactory representations made at the headquarters in relation to the condition of Asa G. Bailey, a private in Captain Samuel Ogden's company, third regiment, Arkansas State cavalry, and it manifestly appearing that he is physically incapable of discharging the duties of a soldier, it is ordered that he be discharged from the service and his name stricken from the rolls of the company. By order of His Excellency,

H. FLANAGIN,

Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

General Order No. 15.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, October 10, 1864.

I. At a general court martial convened at Camp Reed, the headquarters of the third regiment of Arkansas State cavalry, in pursuance of special order No. 44, issued from these headquarters, and dated 24th of September, 1864, whereof Captain R. C. Reed is president, was arraigned and tried:

1st. Private T. C. Mulhead of company E.

First charge: Stealing. Second charge: Desertion.

Specification 1: That on or about the 15th or 20th of August, 1864, said T. C. Mulhead, a private duly enlisted in company E, did steal and carry off one saddle, the property of the widow or heirs of the late C. M. Smith.

Specification 2: That on the 15th day of September, 1864, the said T. C. Mulhead left his command without orders; that on the night of the 17th of September, 1864, said T. C. Mulhead was arrested and broke his arrest, remained absent until the 21st of September, when he was again arrested and placed under guards.

Finding and sentence: Of the specification to the charges, guilty; of the charges, guilty.

And the court does therefore sentence the said P. C. Mulhead to wear a ball and chain and be put to hard labor for the period of twenty-five days, and forfeit all pay and allowances due him up to the expiration of said time; that his name be stricken off the roll of his company and that he be turned over to the enrolling officer of Hempstead County, Arkansas.

2d. Private Benjamin Smith of company C.

Charge: Theft.

Specification: That the said Benjamin Smith, being a private in company C, being a regularly enlisted soldier and receiving pay as such, did on or about the 20th day of September, 1864, feloniously and wilfully take and steal from one Oliver Keadle of said command one pocketbook, containing about $125 in Arkansas treasury warrants, contrary to military law, and in violation of good morals and common honesty.

Finding: Of the specification to the charge, not guilty; of the charge, not guilty.

From all the evidence in the above case, the court is of the opinion that the prisoner should be released from under guard and returned to duty in his command.

3d. Privates L. M. Brent and John Thompson of company E.

Charge: Stealing.

Specification: That on or about the 12th day of September, 1864, the said L. M. Brent and John Thompson, who were duly enlisted as privates in company E, did feloniously steal and carry off one sorrel horse and one bay mare, the property of Mrs. ————, a Missouri refugee; that said Brent and Thompson hid the said horses in the Ouachita bottoms, there feeding and concealing them; that on the 17th of September, 1864, the said Brent and Thompson, knowing that the larceny had been discovered, turned said horses loose.

Finding and sentence: Of the specification to the charge, guilty; of the charge, guilty.

And the court does therefore sentence the said L. M. Brent and John Thompson to wear a ball and chain and be put to hard labor for the period of twenty-five days, and forfeit all pay and allowances due them up to the expiration of said time; that their names be stricken from the roll of their company and that they be turned over to the enrolling officer of Hempstead County.

II. The proceedings and finding in the case of P. C. Mulhead are approved, and the sentence of the court will be carried into execution.

The proceedings and finding of the court in the case of Benj. Smith are approved, and he is ordered to be released from arrest and be returned to duty in his company.

The finding in the case of Privates L. M. Brent and John Thompson is disapproved, because it is based upon the statement of Captain Gillis, who was not summoned as a witness. The court will be convened again and the testimony of Captain Gillis taken under oath. By command of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General State.

General Order No. 16.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, August 16, 1864.

I. It appears from the weekly condensed reports furnished the adjutant general from the first battalion mounted volunteers, in the service of the State, that a considerable number of the command are absent without leave. The commandants of companies will, therefore, furnish the adjutant of the battalion, immediately after morning roll call, with the names of all officers, non-commissioned officers and privates so absent, and the time when each absentee occurred.

II. The following paragraphs are copied from the regulations of the C. S. A. and will be rigidly enforced by officers commanding state troops, viz:

Par. 1069. No officer or soldier shall receive pay or allowance for any time during which he was absent without leave, unless a satisfactory excuse for such absence be rendered to his commanding officer, evidence of which in case of an officer should be annexed to his pay account.

Par. 1070. Every officer should forfeit all pay and allowances due at the time of desertion. Stoppages and fines shall be paid from his future earnings if he is apprehended and continued in service, otherwise from his means of pay.

Par. 1071. No deserter shall receive pay before time or until restored to duty by the authority competent to order the trial.

III. Every non-commissioned officer or private who now is or hereafter is absent from his command for the period of five days without leave shall be reported as a deserter and steps taken for his apprehension, and such absentee shall not be restored to his former standing in the service unless a perfectly satisfactory excuse is given for his absence to the superior officer commanding or unless upon trial he is acquitted by judgment of a court martial.

IV. The provisions of paragraph III. shall also apply to commissioned officers. By command of His Excellency,

H. Flanagin,
Governor and Commander-in-Chief.

Gordon N. Peay, Adjutant General State.

Special Order No. 46.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, October 14, 1864.

Lieutenant Whitesides, commanding a detachment from company C, third regiment, Arkansas State cavalry, will detail a non-commissioned officer and two men, and instruct them to proceed to or near Richmond in Sevier County, and arrest and convey to this post C. M. Sutton, a private in Captain C. K. Holman's company, and to report on their return to these headquarters. By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

General Order No. 17.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, October 25, 1864.

The following mounted companies of mounted volunteers, mustered into the service of the State under the proclamation of His Excellency, Governor H. Flanagin, dated August 10th, 1863, and designated by general orders No. 14, current series, as the third regiment, Arkansas State cavalry, are hereby transferred to the service of the Confederate States, under agreement with Major General Magruder, commanding district of Arkansas, such transfer to take effect on the 31st inst.

Captain Reuben C. Reed's,	Captain Robert S. Burke's,
Captain C. K. Holman's,	Captain Joseph W. Miller's,
Captain Samuel Ogden's	Captain T. G. Henley's,
Captain G. A. Hale's,	Captain W. C. Cacoran's,
Captain A. A. McDonald's,	Captain John Connally's.

II. Colonel Robert C. Newton, commanding regiment, will cause the proper muster rolls and descriptive lists of the companies to be made out and one copy of roll of each company to be forwarded to the adjutant general of the State.

By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 48.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, October 24, 1864.

Colonel R. C. Newton, commanding third regiment, Arkansas State cavalry, will designate an officer of his command to muster and inspect the several companies now with him, on the 31st inst. The detached companies will be mustered and inspected by their respective commanding officers.

By command of His Excellency,

H. FLANAGIN,

Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General.

General Order No. 18.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, October 31, 1864.

I. At a general court martial convened at Camp Reed, the headquarters of the third regiment of Arkansas State cavalry, in pursuance of special order No. 44, issued from these headquarters and dated 24th of September, 1864, were arraigned and tried:

Privates L. M. Brent and John Thompson of company E.

Charge: Stealing.

Specification: That, on or about the 12th of September, 1864, the said L. M. Brent and John Thompson, who were duly enlisted privates in company E, did feloniously steal and carry off one sorrel horse and one bay mare, the property of Mrs. ———— a Missouri refugee; that said Private Thompson hid the horses in the Ouachita bottoms, there feeding and concealing them; that on the 17th of September, 1864, the said Brent and Thompson, knowing that the larceny had been discovered, turned said horses loose.

Finding and sentence: Of the specification to the charge, guilty; of the charge, guilty.

And the court do therefore sentence the said L. M. Brent and John Thompson to wear a ball and chain and be put to hard labor for the period of twenty-five days, and to forfeit all pay and allowances due to them up to the expiration of that time; that

their names be stricken from the company rolls, and that they be turned over to the enrolling officer of Hempstead County.

I. The proceedings and findings of the court in the above case is approved, and the sentence is approved except as to wearing a ball and chain. The troops being in a state of transfer and the infliction of that punishment inconvenient, the wearing of a ball and chain is disapproved. Therefore, their names will be stricken from the rolls of the company; they will forfeit all pay due to them, and be turned over to the enrolling officer of Hempstead County. By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

Special Order No. 49.

Headquarters of the Governor and Commander-in-Chief of the Militia of Arkansas, Washington, November 10th, 1864.

It appearing from the returns of the election held for lieutenant colonel of the third regiment, Arkansas State cavalry, that neither of the parties voted for had received a majority of the votes cast, Colonel Robert C. Newton, commanding the regiment, will cause the election for that office to be held in the several companies at such time as he may designate, and have the result certified to the adjutant general of the State.

By command of His Excellency,

H. FLANAGIN,
Governor and Commander-in-Chief.

GORDON N. PEAY, Adjutant General State.

THE CATHOLIC CHURCH IN ARKANSAS.

By Rt. Rev. J. M. Lucey.[1]

The situation of Arkansas south of the famous Mason and Dixon line[2] has operated to make the people Southern in political sentiment and in commercial and industrial principles. Neither the two centuries of the slavery of the negro and his freedom almost half a century ago nor the influx of many varieties of nationalities has changed this characteristic and seemingly never will. The State is a part of the old Louisiana Territory, purchased by the United States, 1803, for the round sum

[1]Monsignor J. M. Lucey usually calls himself a native of Arkansas, though not quite to the manner born. His parents, who were Irish, married at Troy, N. Y., about 1840. Here three children were born, two girls and a boy, the latter being the subject of this sketch. After this the family moved to Arkansas by way of New Orleans and Red River, locating at Rocky Comfort. Three years later they moved by ox team to Ft. Smith. Here young Lucey attended the academy conducted by Valentine Dell, and Ward's Academy, where Prof. J. C. Stanley, who is frequently identified with the African explorer, Henry M. Stanley, taught.

When the war opened though a frail boy he went out with the Ft. Smith rifles, company A, 3d regiment, Arkansas infantry. At Oak Hill he was commended for special bravery. He soon developed alarming symptoms of consumption, though he continued an irregular soldier. In 1863 near Ft. Smith while executing a commission with a forage train, an Indian fired at him, killing his horse under him. In 1864 he was captured at Ft. Smith and gave his parole.

In 1865 the monsignor entered St. John's University, Fordham, N. Y., graduating in 1868. In that fall at St. Mary's Seminary of Cincinnati he began studying theology, which ill health compelled him to abandon in 1870. While principal of the high school department of the Ft. Smith public schools in 1871, he started the Belle Grove School Journal, probably the first school paper in Arkansas. In November, 1871, Bishop Fitzgerald ordained him priest and sent him as pastor to Pine Bluff, where he still serves the church. He built up a large congregation, brought to Arkansas the Sisters of Charity, and founded the Colored Industrial Institute.

In 1902-03 Monsignor Lucey made a trip around the world. In 1903 Pope Pius X. elevated him to the rank of domestic prelate of the first class which carries with it the title of Monsignor and Rt. Rev. In 1907 Bishop Morris appointed him his vicar general, next in rank to the bishop. Monsignor Lucey has identified himself fully with the interests of his adopted city and State.—Editor.

[2]The Mason and Dixon line was the result of a dispute between William Penn and Lord Baltimore regarding the boundary of Pennsyl-

of fifteen million dollars. The southern boundary is the dividing line of what was formerly upper and lower Louisiana. The Mississippi River is on the east, the State of Missouri is on the north and Oklahoma on the west. The present population is estimated at 1,500,000, one-fourth of whom are colored, who dwell chiefly in the cotton belt region of the southern part of the State. The white Catholics are reckoned at twenty-two thousand and the negroes professing the Catholic faith at three hundred.

FRENCH INFLUENCE.

Until about fifty years ago the influence of French immigrants and their mode of life was very strong. The name of the State is taken from the appellation which the earliest French explorers gave to a local Indian tribe. The state legislature in recent years passed a law making the French pronunciation of Arkansas the legal form, and now it is called Arkansa', though spelled Arkansas. French voyageurs from Canada and French exiles from France on the fall of Bonaparte came in considerable numbers. Many of our mountains and streams and some of our cities and their streets bear French names or Gallicised Indian names. Fourche la Fave, Petit Jean, Vach Grasse are such streams, the two latter near Fort Smith; Fourche and Maumelle mountains lie not far from Little Rock; Barraque, a colonel under Bonaparte at Marengo and Austerlitz, is commemorated by a street in Pine Bluff; Noble and Notrebe are familiar names in southwestern Arkansas, as well as Bogy, who came from Canada, La Salle, Le Febre and others.

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vania and Maryland. The dispute continued among the people for nearly a century, when two English surveyors, Charles Mason and Jeremiah Dixon, arrived 1763, made an official survey and established the true boundary, 1767. Starting from the northeast corner of Maryland, they ran a line due west through the wilderness for nearly three hundred miles. At every fifth mile a stone was set up bearing on the north side a cut of the coat of arms of William Penn and on the south side, that of Lord Baltimore. This line divided the northern and southern colonies as they existed at that time, and the extension westward indefinitely of the line is the traditional Mason and Dixon line.

ECCLESIASTICAL HISTORY.

The ecclesiastical history of Arkansas is divided by natural circumstances into three irregular periods. The first begins with the arrival of Hernando de Soto in 1541 and ends in the year 1805, when Pope Pius VII. placed the Louisiana Territory and both the Floridas under the jurisdiction of Bishop John Carroll of Baltimore, Maryland, (both Floridas mean Florida from the Atlantic Ocean to the Mississippi River). The second period extends from 1805 to 1844, when Right Rev. Andrew Byrne was consecrated the first bishop of the diocese of Little Rock, erected 1843. The third period would carry us from 1844 to the present.

FIRST PERIOD.

THE SPANIARDS.—Many priests came with the various early Spanish and French exploring expeditions and did more or less work among the Osage Indians, who occupied the region north of the Arkansas River, and the Quapaws, who dwelt almost exclusively to the south of it. Hernando de Soto left Tampa, Florida, in 1539 with six hundred and twenty picked men. In 1541 he crossed the Mississippi River at Helena into Arkansas, and after wandering aimlessly through the northwestern and central portions in search of gold and of the Hot Springs that were reported to have the power of renewing youth, returned in a southeasterly direction to the Mississippi River, on whose banks he died, May 21, 1542, twenty miles below the mouth of the Arkansas River, according to many authorities. Many priests were in his train, but, having lost all their chalices and vestments in the battle of Mobile with the Indians, they could do no more than baptize some natives and hold devotional exercises. The Spanish expedition under Narvaez of six hundred souls, which left Florida in 1528, did not touch Arkansas, as all but three persons perished by the time the Mississippi River in Louisiana was reached.

FRENCH EXPLORERS.—The first French explorers came from Canada, Father Marquette, a Jesuit, and Joliet, a merchant. They floated down the Mississippi River to a short distance be-

low the mouth of the Arkansas River in 1673. Father Marquette landed about July, 1673, at the Quapaw village just above the mouth of the Arkansas River, and officiated for the spiritual welfare of the Indians. Robert Cavalier La Salle, in his voyage for the successful discovery of the Mississippi, visited the Quapaw village March 13, 1862, when Father Membré, a Franciscan priest, his chaplain, in the full robes of his office, celebrated mass and otherwise officiated.

Arkansas Post.—Henry de Tonti, an Italian, second in command to La Salle and son of the founder of the Tontine system of insurance, built, in 1686, on the present site of Arkansas Post, a log house with a palisade fort, leaving six men as a garrison. The Quapaws soon moved their village to this vicinity. Arkansas Post became in after times the capital of the Territory of Arkansas. It was destroyed in a battle during the Civil War.

With a shipload of men and provisions La Salle sailed from France for the mouth of the Mississippi, but landed at Matagorda Bay, Texas, about July, 1686. Misfortunes thickened so fast upon the settlement at Matagorda that La Salle was obliged to set out on foot January, 1687, with a dozen companions for Canada to seek help. He was assassinated March 19, 1687, on one of the branches of the Trinity River. About July, 1687, Joutel, lieutenant under La Salle, arrived with some of the party at Arkansas Post. Among those mentioned were Rev. John Cavalier, a Sulpitian priest, brother of La Salle; Father Douay, a Franciscan and Cavalier, a youth of nineteen, and nephew of La Salle. The party remained a month or more at Arkansas Post before resuming their journey to Quebec, and the priests labored among the Quapaws.

Jesuit Missionaries.—Tonti, November 20, 1689, at Fort St. Louis (near Utica, Illinois), granted Father Dablon, superior of the Jesuits in Canada, a site for a mission near Arkansas Post, which included several thousand acres of land on both sides of the Arkansas River. The deed was probably delivered to Father Alloez, the Jesuit pastor of Fort St. Louis, and a great Huron missionary. Soon after the establishment of Biloxi, the first settlement in Mississippi by D'Iberville May,

1699, communication was opened with Quebec. During the entire eighteenth century, missionary priests from Canada labored in Arkansas among the Osages and Quapaws. Father Davion and Father Montigny, priests of the Quebec Seminary, were among the first. Rev. Nicholas Faucault, a Jesuit, came in 1700. Father Charlevoix, the Jesuit historian, was here in 1721. Father du Poisson, who fell in the Natchez massacre, labored in 1726-29; Father De Guyenne and Father Cavette, Jesuits, followed. Father Meurin, a Jesuit, officiated in Arkansas in 1764.

The veteran priest of the west was Peter Gibault, an old Jesuit (the order had been suppressed in 1773 by Pope Clement XIV., and not reinstated by Pope Pius VII. until 1814). He was a missionary in Arkansas from 1792 to 1794, and perhaps later, according to marriage and baptismal registers in the archives of the diocese of Little Rock. To Father Gibault, George Rogers Clarke, who, after the Revolutionary war, added the territory northwest of the Ohio River to the dominion of the United States, was indebted for invaluable services. In the history of those times we find the name of Father Paul de St. Pierre as a missionary in Arkansas for several years, and until 1798. He came from St. Genevieve, Missouri. Father Maxwell, his successor, was frequently the only priest in all upper Louisiana.

In 1762 France ceded the Louisiana Territory west of the Mississippi River to Spain. In 1800 Spain re-ceded it to France, and Bonaparte sold it three years afterwards to the United States.

Rights of Catholics Under Treaty.—The digest of the laws of Arkansas contains the following: "Treaty between United States of America and French Republic—signed April 30, 1803." Article three of which reads:

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the meantime, they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess."

Ecclesiastical Changes.—Under French domination the archbishop of Quebec governed the Louisiana Territory; under Spanish control the archbishop of Cuba was the ruler. In 1805 Pope Pius VII. constituted Bishop Carroll of Baltimore, Maryland, administrator of the Louisiana Territory and both Floridas.

The white population of the whole Louisiana Territory, stretching from Fort Toulouse, at the confluence of the Coosa and Talapoosa rivers, Alabama, westward and northward indefinitely, was, in 1712, by enumeration twenty-eight families. In 1717, after the arrival of several companies of French soldiers, the population was not over seven hundred.

second period—1805-1844.

Very Rev. William Douberg was consecrated bishop of the new diocese of Louisiana and the Floridas in Rome, September 24, 1815. There was in Rome at the time a house of the Order of the Congregation of the Missions, founded in France by St. Vincent de Paul, and familiarly called Lazarists. Bishop Douberg induced Rev. Felix Andreis, Rev. John Baptist Aquaroni and Rev. Joseph Rosati, members of this order; Leo Days, a propaganda student, and others to join him. When he embarked at Bordeaux, France, June 28, 1817, there were five priests, four subdeacons, three Christian Brothers and other volunteers. Owing to the conflict of ecclesiastical authority under the lead of Father Sedella at New Orleans, where the residence of the bishop was originally fixed, the Propaganda allowed Bishop Douberg to reside at St. Louis. The party landed at Annapolis, Maryland, September 4, 1817, and entered St. Louis January 5, 1818.

The Barrens.—A small settlement eighty miles from St. Louis was selected for the location of the seminary. They found there a log church, a priest's house and a few Catholics under the care of a Trappist, Father Dunaud. Father Andreis and Father Rosati began work with the Seminarians who had been temporarily cared for at Bardstown, Kentucky. The Lazarists of the Barrens were almost the sole dependence for

priests of Bishop Douberg. The seminary was the home of many who became distinguished in after life: Archbishop Lynch of Toronto, Canada, Archbishop Odin of New Orleans, Bishop Timon of Buffalo who were Lazarists and Bishop Fitzgerald, bishop of Little Rock, who died at Hot Springs, Arkansas, February 21, 1906.

Osage Missions.—In 1820 the Osage Indians of northeastern Arkansas sent seven chiefs to St. Louis with a petition for the establishment of a mission. Bishop Douberg, after commending the mission in a pastoral letter, began the good work himself. Father Croix visited the tribe twice and baptized forty persons. This was the auspicious beginning of the conversion of this tribe, who now dwell in Indian Territory and still preserve their Catholic faith.

Bishop Rosati was consecrated coadjutor to Bishop Douberg, July 14, 1820, with residence at St. Louis, and was especially entrusted with the episcopal care of Arkansas, Missouri and western Illinois. Pope Leo VII. July 18, 1826, divided the diocese of Louisiana and established the see of New Orleans, Bishop Douberg as bishop, with the State of Louisiana as his diocese. All the Louisiana Territory northward and westward was named the diocese of St. Louis, with Right Rev. John Rosati as bishop. In 1843 the diocese of Little Rock was erected. It contained the State of Arkansas and Indian Territory.

The white population of Arkansas, 1785, according to the census, was 196; 1799, 368; 1810, 14,255; 1820, 30,388; 1840, 97,574.

Lazarist Missionaries.—The faithful Lazarist missionaries journeyed frequently on horseback from their mission home, through Arkansas to Texas, returning to the Barrens by way of Indian Territory. Rev. John M. Odin, subsequently archbishop of New Orleans, and Rev. John Timon, afterwards bishop of Buffalo, made a tour by way of New Madrid, Missouri, and Davidsonville, Arkansas, their objective point being Arkansas Post. Davidsonville, founded 1815, had the honor of having the first postoffice in Arkansas, though four days later a second was established at Arkansas Post. The county was named

Lawrence after Captain Lawrence of the man of war Chesapeake, and embraced the whole State. They visited the French settlement of St. Mary, five miles below Pine Bluff, on the north side of the river, Pine Bluff, Little Rock, Fort Smith and perhaps Fort Gibson, Indian Territory, as well as scattered families at intermediate points. The travel was by skiff or flatboat, with an occasional excursion on horseback and many a weary tramp on foot. The hardships and dangers of their trip will never be known, as no record was kept. Everywhere the work of the missionaries began by teaching grown up people how to make the sign of the cross and to recite the simplest prayers. The people had done something to keep the faith alive, by administering private baptism, celebrating marriage rites with pioneer privileges and preparing for confession and communion in anticipation of the visit of a priest. Some families were forty years without a chance to receive the sacraments.

SARACEN.—Arkansas Post, founded in 1686, was the principal town in the early days, and the general headquarters for missionaries. It was the capital of the Territory until 1821, when Little Rock secured the honor. Frequent visits were made from the Post to the Quapaw Indians, who originally occupied the whole region of the State south of the Arkansas River, embracing 16,500,000 acres of land. By treaty (1818) they relinquished all but 1,500,000 acres, which stretched with a wide southwestern sweep from Arkansas Post to Little Rock. In 1824 this was also ceded, except eighty acres, known as the Indian Reserve and located six miles below Pine Bluff, on the south side of the river, which was also finally ceded. The Quapaws went first to near the Great Raft on Red River, and then to the Indian Territory.

Hecaton, the last full-blooded, and Saracen, the last half-blooded, principal chiefs in Arkansas, are remembered by some of the oldest residents of Pine Bluff. On one occasion a band of Chickasaw Indians stole two children from a trapper's family living a few miles below Pine Bluff. The white settlers were greatly alarmed. The news was brought to Saracen. Going to the weeping mother, he said: "When the sun is so high (pointing with his hand) Saracen will bring your children. If

Saracen not find them, you will see Saracen no more." Alone and unaided he overtook the marauding party near Arkansas Post. With Indian warwhoop and tomahawk uplifted, he sprang in upon them and took the children. In the year 1829, Saracen, then over ninety years old, feeling that death was not far off, journeyed from the Quapaw reservation in the Indian Territory to Little Rock and begged Governor John Pope to permit him to die on his old hunting ground near Pine Bluff. The request was granted.

The Lazarist missionaries, 1824, erected an altar before the wigwam of Saracen, who received them very kindly. The Indians assisted at mass, and through M. Mismere, an interpreter, the Catholic faith was explained to them. A real friendship was mutually formed, and one night an Indian priest or medicine man was induced to explain the Indian faith. In commemoration of the heroic deeds of Saracen as the rescuer of children and as a devoted son of the Catholic church, a memorial window in his honor was placed, in 1888, in St. Joseph's church, Pine Bluff. The pastor of the church has also moved the body from the public cemetery to St. Joseph's cemetery. When the remains of the scattered Quapaws have been placed around him, a public monument will be erected to his memory.

First Mass.—The first mass in Little Rock, of which we have an account, was said by Father Donnelly about 1838. Mrs. Ryder, Mrs. Kinnear and Miss Betsy Bruder, the oldest Catholics of the city, always spoke of this mass as the first. Miss Bruder was present at the mass. It was said in the second story of a store kept by A. M. Duggan. The building became the Hughes & Naulty drug store, on northwest corner of Second and Main. The first baptism in Little Rock of which there is a register, was that of Dr. Andrew Gursey by Father Bole. The first mass at Fort Smith of which we have positive record, was about 1840 and was probably celebrated by Father Bole in the house of Michael Manning. The Lazarist missionaries had previously visited the town and no doubt celebrated the holy sacrifice.

Secular Priests.—Bishop Rosati secured with difficulty a few secular priests for the Arkansas missions. Rev. Richard

Bole permanently established, 1833, St. Mary's Mission five miles below Pine Bluff. Bishop Loras, first bishop of Dubuque, Iowa, consecrated, 1837, on his return from a visit to New Orleans, 1841, by request of Bishop Rosati, made an episcopal visitation of Arkansas. Napoleon, Arkansas Post, New Gascony, St. Mary's, Pine Bluff, Little Rock and probably other points were visited. The services at Napoleon were held in the upper room of the hotel of Colonel Creed Taylor. Among those confirmed were Colonel Taylor and his two daughters, Mrs. Lizzie Gracie and Mrs. E. V. Walker, the latter of whom is still living.

First Academy by Loretto Sisters.—October 11, 1838, Father Bole brought five sisters of Loretto to St. Mary's settlement, from Genevieve, Missouri. For a few years their school flourished. Judge J. W. Bocage, then a young lawyer of Pine Bluff, delivered the address at the closing exercises, 1840, and always spoke in admiration of the crowds of people who came from long distances to witness the event. In 1842 the sisters were induced to remove the greater part of their number to Arkansas Post, where they remained until 1845, when they returned to St. Genevieve. Mother Agnes Hart, the superior, died August 20, 1839, and was buried at St. Mary's. She was born 1797, and received the religious habit 1815. At the time of her death the rule of the order of Loretto organized at Loretto, Kentucky, by the saintly Rev. Charles Nerinck, required burial to be without coffin, and thus Mother Agnes was buried in spite of the protests of the natives. Pope Gregory XVI. in granting canonical approval to the new order, struck out the burial clause. In 1875 several of the old pupils, under direction of the pastor of the mission, erected a small monument over the grave of Mother Agnes.

Father Paris was one of the most prominent pastors of St. Mary's. He was spoken of by the old settlers as a man of domestic habits, fond of garden and home and a typical missionary. Father Rasle is said to have died there in 1835. Father Mattingly and Father Martin were there in 1838. St. Mary's Mission was in those times general headquarters for mission-

aries laboring in Arkansas. The Lazarists frequently stopped there. Fathers Bole, Paris and Dupuy went from there on visits to New Gascony, Pine Bluff, Little Rock and Fort Smith.

Father Donnelly was ordained, 1838, in St. Louis, and sent, 1839, to St. Mary's, Arkansas. The civil law of Arkansas has always required the official registration of the credentials of ministers of the Gospel entitled to perform marriage ceremonies. The following unique record appears on the register of the county clerk:

"State of Arkansas, County of Arkansas, clerk's office, May 28, 1839. On this day P. K. Donnelly came to my office and produced his credentials as a minister of the Catholic church, regularly appointed by Bishop Rosati, bishop of St. Louis, Missouri, which is required by law to be recorded, but, being all in the Latin language, was not understood by the undersigned clerk, consequently could not be recorded, but it is considered that this notice thereof will be all sufficient. George P. Stokes, Clerk."

Reverend Richard Bole.—The most prominent and influential priest of St. Mary's Mission and its guiding spirit was the Rev. Richard Bole. He purchased 4,000 acres of land in the southern part of the State, the block of ground on which the old Convent of Mercy, Little Rock, stands, and other property. He seems to have shared the general belief that he would be made bishop of the new diocese of Little Rock. When Bishop Byrne was consecrated 1844, Father Bole sold all his Arkansas property to Father Mano of New Orleans for $10,000. There was a current rumor that en route to his old home in France his vessel was lost at sea. Father Mano, when dying, deeded all the property to the diocese of Little Rock, the only consideration being that 3,000 masses be offered for his intention.

Colonel Creed Taylor.—The most noted Catholic layman in the southern part of the State was Colonel Creed Taylor. He was born near Harrodsburg, Kentucky, the first permanent white settlement in Kentucky, founded 1775 by James Harrod, January 1, 1800, and came to Arkansas in 1819. He was in early life strongly opposed to the Catholic church, but was baptized by Father Dupuy, 1836. He was married October 22, 1821, by John Dodge, Esq., to Miss Eulalia Vaugine, granddaughter of the Spanish governor general, Don Joseph Valliere. He was the

first sheriff and first county judge of Jefferson County. As a Catholic he was the delight of priests and bishop, humble, high-minded and generous in all things. His character belongs to that type of strong and hardy natures that distinguished many of the olden pioneers. He died in 1887. His only living child is Mrs. E. V. Walker of Little Rock.

Third Period—1844-1906.

The new diocese of Little Rock, comprising the State of Arkansas and Indian Territory, was created in 1843. On March 10, 1844, in St. Patrick's cathedral, New York, Bishop Hughes, assisted by Bishop Fenwick of Boston and Bishop Whelan of Richmond, consecrated Right Rev. John McCloskey, afterwards bishop of Albany and cardinal, coadjutor to himself; Right Rev. William Quartier, bishop of Chicago, and Right Rev. Andrew Byrne, bishop of Little Rock.

Bishop Byrne was born in Navan, Ireland, December 5, 1802. In 1820, when pursuing his studies at the diocesan seminary of Navan, he volunteered to go with Bishop England to Charleston, South Carolina, where he was ordained November 11, 1827. In 1830 he was pastor of St. Mary's, Charleston. Within a few years he secured a transfer to New York City, where he became favorably known as a preacher being gifted with a rich and powerful orotund voice, an imposing presence and a flow of language that rarely failed to move an audience. Bishop Byrne repaired without delay to his new diocese. Bishop Hughes allowed him to take two priests of the diocese with him, and he chose Father Corry and Father James Donohoe, some of the latter's relatives having already settled in Arkansas. These were the only priests for a time. Father Bole and those of the old regime had departed. Father Corry purchased four hundred acres of land near Fayetteville and built the first church at Fort Smith, a log structure, on the corner of Third and Hickory streets, but soon returned to Albany, New York. Father Donohoe, one of the humblest and most learned priests of the times, was highly successful. Bishop Byrne accompanied him on one of his missions on horseback, the only means of

travel, to Rocky Comfort, in Sevier (now Little River) County, a round trip involving a ride of five hundred miles. There and vicinity, the Taaffe, Foran, Taylor, Lucey and other Catholic families had settled. Bishop Byrne, after a visitation of the diocese and the discovery of almost one thousand Catholics, set to work to get priests for the missions, sisters for the schools and colonists for the settlements.

The First Ordination was that of Rev. Thomas McKeown, whom Bishop Byrne ordained in St. Ambrose's church, Arkansas Post, November 1, 1845. Rev. P. W. Walsh, an ex-Jesuit, came from Albany the same year. Father Moneghan arrived soon afterward, and then Father Behan, who was made pastor of Pine Bluff. Father Canevan was ordained in 1846 by Bishop Byrne at Little Rock. Later on Father Clark came from Canada. In 1848 Father McGowan came from Charleston.

Fathers O'Reilly and Smythe.—Of all the priests who came to the assistance of Bishop Byrne, the greatest were Very Rev. P. O'Reilly, who was made vicar general of the diocese and pastor of Little Rock, and Rev. Lawrence Smythe, who for forty years from 1861 was pastor of Fort Smith, having been transferred there from Napoleon. Father Pat, as he was familiarly called, was large of frame, more than six feet high and stern of aspect, though kindly in nature. Through physicial timidity he could not address an audience without reading his sermon from manuscript, yet his discourses were well received, and both as pastor and school teacher he was unusually successful. He was the confidant of his people in their troubles, especially during the Civil War, and was a dear friend to the Sisters of Mercy. He died in Ireland, April 29, 1882, having been vicar general to Bishop Fitzgerald until his departure to his native land. Father Smythe was a jovial Irish soul, "hail fellow well met" with Protestant or Jew as well as Catholic, but always with eye on the interests of Mother Church. He made more converts than perhaps all the other priests of the diocese, some of the most distinguished of whom were Colonel Ben T. DuVal, the leading lawyer of Fort Smith, and General W. L. Cabell, a noted Confederate leader. He died November 7, 1900, at Fort Smith.

St. Andrew's College.—It was Bishop Byrne's ardent desire to establish at least one college for boys at Fort Smith, and several academies under charge of sisters at different places. St. Andrew's College at Fort Smith was opened in 1851. Father Walsh, who was a learned man, was made president, and his assistants were three ecclesiastical students, Messrs. Shanahan, Nagle and Krakle. The old parade ground of Fort Belknap was the site and the former residence of the post commander, the building. The school drew boarders from Indian Territory and from southwestern Arkansas and day pupils from Fort Smith and vicinity. Owing to the departure of Father Walsh, its life was not more than seven years, as the burden of conducting it fell upon the pastor of Fort Smith, whose duties required him also to run a farm and attend the distant forts in the Indian Territory.

Sisters of Mercy.—Bishop Byrne, on his visit to Ireland, 1849, applied for Sisters of Mercy and thirteen arrived in Little Rock, 1850, from Nass, county Kildare, where the mother house was located. St. Mary's Academy was soon opened. For several years the Sisters lived opposite the old cathedral, Center and Second, their house being located on the northwest corner opposite the cathedral on the northeast corner. The school was partly the old brick church built by Father Bole on the corner of Seventh and Louisiana streets, to which they moved altogether in course of time. Changes and additions to the original building were made year by year until it was completely remodeled, so that St. Mary's Academy became a modern building of most attractive appearance.

Mother Alphonsus was the most distinguished Sister of Mercy who lived and labored in Arkansas for the education of youth, though others, as Mother Teresa and Mother Xavier, are lovingly remembered. Mother Alphonsus was one of the youngest of the colony of sisters that came to Little Rock, and for more than fifty years her bright smile and winning manners, the expression of happy religious soul, drew many hearts to holy church. During the Civil War she was one of the leading nurses in the Confederate hospital. Her administra-

tive ability was shown from her almost continuous election as superior. Mother Xavier Nolan died at Hot Springs, Arkansas, February 7, 1899. Mother Alphonsus Carton died at Little Rock, February 16, 1899.

St. Ann's Academy.—Bishop Byrne arrived at Fort Smith on steamboat in the spring of 1851, with five Sisters of Mercy, to open St. Ann's Academy. He made them a donation of ten acres of land, which, in time, became valuable, as it fell within the corporate limits of the city. The place was a part of old Fort Belknap, and their first residence and school were in the department quarters, where General Zachary Taylor and other noted officers had lived. Many girls came from Indian Territory and from Arkansas as boarders. Additions and changes were made until a big fire destroyed the greater part of the result of many years' sacrifice. The Sisters of Mercy have in recent years erected two large three story brick buildings at an approximate cost of $100,000. One is used for school purposes, the other for a convent home. An infirmary, St. Edwards, was completed in 1906 at an outlay of $35,000. A two story frame building was also constructed for a boys' school. All these handsome buildings on grounds more than ordinarily beautiful make their place an object of interest to visitors.

Helena Academy.—In 1856 Bishop Byrne purchased the Biscoe residence, including ten acres of land, high up on Crowley's Ridge. The Sisters of Mercy opened a day and boarding school, which flourished for a time, but the trying ordeal of the Civil War and other causes forced the sisters to return to Little Rock in 1868. Some years afterward the Sisters of Charity of Nazareth successfully revived the school under the name of the Sacred Heart Academy.

An Irish Colony.—Bishop Byrne's effort to secure colonists from Ireland was only partially successful. In 1850 he bought the sixteenth section of school lands at Fort Smith, which was on the market for sale. There were six hundred and forty acres of land, stretching from the southeastern border of the city to the distance of a mile in the forest. It included old Fort Belknap, where many of the quarters of the soldiers were still

in a habitable condition. The price was $5,250, cash. It was the plan of Bishop Byrne to establish an Irish colony on the remote parts of this property and other adjacent lands. Father Hoar, a zealous Irish priest, with his sanction, left Ireland in 1849 with about seventy-five families. The tedious ocean voyage of those days and the equally uncomfortable travel on steamboat from New Orleans so overcome the people that on their arrival at Little Rock disease broke out, which rapidly developed into cholera. The church and school building on the corner of Seventh and Louisiana streets was transformed into a hospital, the pews and school furniture making acceptable bed frames. The well ones became sadly demoralized. Several, possessing considerable wealth, left for St. Louis, where they became prominent and prosperous. A few of the remainder made their homes in Little Rock, but the greater part carried out their original intention and went to Fort Smith. The old buildings of Fort Belknap afforded them temporary homes, but soon they found in town and country what they had so long prayed for—a home with a bright fireside and an abundance of the good things of the country.

Church Extension.—In spite of all efforts, there was but little advance in the extension of the Catholic religion. Bishop Byrne had secured the services of a dozen priests. Several schools were established and one colony inaugurated. An imposing frame cathedral had been erected in Little Rock, corner of Center and Second streets, and the clergy in different parts of the State had been enabled to erect modest structures that were sufficient for the needs of the times. But no fresh arrivals came and the process of conversion was scarcely begun. The great waves of immigration from Europe, which set in about that time, did not reach Arkansas, nor any Southern State. Negro slavery, unreasonably feared, was a stumbling-block. About 1854 the Know Nothing party arose to attack the Catholic church, and Albert Pike, one of the ablest lawyers of Arkansas, became its local champion. Bishop Byrne engaged in a newspaper controversy with Pike, and the result was published in a pamphlet, a copy of which is before the writer. This ebullition of fanatical emotion was so un-American in spirit that

all respectable adherents withdrew from its support when they recognized its true character, and it fell into a disgraceful grave.

These circumstances bore heavily upon the naturally buoyant nature of Bishop Byrne. The Civil War, which began in 1861 completely paralyzed church work except in the soldiers' camp. Bishop Byrne died in Helena June 10, 1862, and was buried in the convent yard. On Wednesday, November 30, 1861, completely paralyzed church work except in the soldier's Bishop Fitzgerald in a crypt beneath the vestibule of St. Andrew's Cathedral, Little Rock. Pontifical high mass of requiem was celebrated by Bishop Fitzgerald. Father McGowan was assistant priest; Father D. S. Phelan of St. Louis, deacon, and Father D. A. Quinn of Forrest City, Arkansas, subdeacon. Father Phelan delivered the eulogy.

Bishop Fitzgerald—1867-1906.—The diocese of Little Rock remained *sede vacante* from June 10, 1862, to February 3, 1867, when Bishop Fitzgerald was consecrated, Very Rev. P. O'Reilly being administrator. Bishop Fitzgerald was born (1833) in Limerick, the historic city of Ireland's broken treaty. He entered the Barrens, Perry County, Missouri, 1850, where Archbishop Lynch of Toronto, Canada, then a Lazarist priest, was a professor. In 1852 he became a student at Mount St. Mary Seminary, Cincinnati, where Bishop Rosecrans, brother of General Rosecrans, was a professor, and in 1855 he prosecuted his theological studies in Mount St. Mary's Seminary, Emmetsburg, Maryland. He received the orders of priesthood 1857, from Archbishop Purcell of Cincinnati, and was assigned to the important parish of St. Patrick, Columbus, where, ten years later, February 3, 1867, he was consecrated bishop of Little Rock by Archbishop Purcell, Archbishop Lynch being first assistant, Bishop Rosecrans, second assistant and Archbishop Ryan, now of Philadelphia, preacher.

Reconstruction Period.—Bishop Fitzgerald reached Little Rock March 17, 1867, by steamboat. At this time there was no railroad in Arkansas except a short line of forty miles from Little Rock to DeVall's Bluff, on White River, where a connection was made with Memphis boats. The outlook for the new bishop was not encouraging. A civil war which had raged

from 1861 to 1865, and which resulted disastrously to the South, had left the State completely impoverished. The old settlers, owing to the influx of a class of people known as Northern carpetbaggers, from the fact that such an article was their only worldly possession, soon found themselves relegated to the rear, and negroes, just out from slavery, united with hostile strangers placed in the front rank of all political and commercial affairs. The lamentable assassination of Abraham Lincoln, President of the United States, and the only Northern man who could and would have done justice to the South, greatly increased the weight of the yoke now pressed on the neck of the Southern people. Disfranchised as voters, though compelled to perform every duty without being allowed to exercise one of the privileges of citizenship; dispossessed gradually of their real estate holdings through stress of poverty and new systems of finance, the Southern people experienced a debasement in this reconstruction period that is without a parallel in the records of Christian civilization. History fails to present anything similar in any of the civilized or semi-civilized countries of the world to the vindictive malignity of the powerful hosts of the North toward their conquered brethren of the South. It is only in recent years, when a new South is springing up and a giant's strength disclosed, that the ordinary amenities of civilized life have been conceded. Arkansas has suffered almost forty years from this blighting influence. Under such circumstances immigration was impeded and property value depreciated. In recent years the feeling came that the evil incubus of the past had fallen off and now a new era and a brighter life have dawned.

Visitation of the Diocese.—Traveling on horseback and by stage, Bishop Fitzgerald visited in 1867 the most prominent cities and settlements of Arkansas. Including the few that were said to be in Indian Territory, he discovered the existence of sixteen hundred souls. Fort Smith claimed four hundred and Little Rock about the same number. Pine Bluff, Helena, New Gascony and outlying missions had but small numbers. There were in 1868 only two Catholic schools in the State, one at Little Rock and the other at Fort Smith, both conducted by the Sisters of Mercy. There were five priests—Very Rev. P.

O'Reilly, V. G., Little Rock; Rev. Lawrence Smythe, Fort Smith; Rev. Philip Shanahan, Helena; Rev. Patrick McGowan, New Gascony, and Father Cogan, Helena. Father Cogan went soon to Texas; Father Shanahan, after a few years, went to Iowa, and Father McGowan's health rendered him feeble. Clergy were needed for the missions, sisters for schools and general Catholic immigration for the State. The total population of Arkansas in 1870 was 484,481.

German Colonies.—A railroad from Little Rock to Fort Smith on the north side of the Arkansas River, a distance of one hundred and sixty-two miles, was projected, and as the land grants of the State in aid of its construction were very large, and as the railroad was anxious to secure settlers for the future support of the road, an excellent opportunity presented itself for the establishment of Catholic colonies. Colonel W. N. Slack, land commissioner of the railroad, was a broad-minded and generous-hearted man, whose conception of his duties in the disposal of many thousand acres of land to worthy settlers led to the adoption of a policy mutually beneficial. Through the patronage of Bishop Fitzgerald, German, Polish and other Catholic colonies of farmers came. Several priests of the orders of St. Benedict and of the Holy Ghost arrived to look over the ground.

Benedictine Colonies.—The Abbey of St. Meinard, Indiana, sent two Benedictine priests and three lay brothers to begin a mission. They settled, 1876, at Creole, Logan County. The life was humble in the extreme, priests and brothers laboring hard in the field and in the woods, building homes, churches and schools. They were sturdy Germans, and soon the wilderness yielded its terrifying appearance and assumed the cheerful forms of civilization. Year by year families came from Pennsylvania and from Europe and grouped around the churches. The usual trials and disappointments were experienced, and many a time failure was staring the colony in the face. The dark clouds drifted away after years of severe hardships and now there is no more charming prospect in all Arkansas than the German colonies of Logan County. The new Abbey of Subiaco, Spielerville, combining church, monastery, college and seminary, is half finished and its value, complete, is placed at

$500,000. A great number of adjacent missions are supplied by the abbey and the pastors of the largest German churches in the State, Fort Smith and Little Rock, hail from New Subiaco.

The Fathers of the Order of the Holy Ghost selected the vicinity of Morrilton, on the north side of the Arkansas (Logan County is on the south side), for the beginning of their mission. Rev. Charles Steurer arrived from their Pittsburg (Pennsylvania) house, January 10, 1879. There were two priests and several lay brothers. A primitive residence was built and a church capable of seating three hundred people. Father Strub, who succeeded Father Steurer as superior, succeeded in bringing a large number of immigrants.

Morrilton Convent.—In 1879 nine sisters of St. Joseph arrived from Paris, France, none of whom, excepting the superior, an Irish lady, could speak English. A beautiful two story brick convent was erected and a school opened. The sisters found many difficulties in accommodating themselves to their strange surroundings and in the course of a few years gave place to the Sisters of Notre Dame, of St. Louis, a more American order.

Missions of the Holy Ghost Order were opened at Conway, Atkins and other places. Many misfortunes were encountered in the shape of unsuitable immigrants, disagreements about land titles and crop failures. Although the Order of the Holy Ghost is strong in Europe and employs more missionary priests in Africa than all the other orders combined, it was at this time so weak in the United States that its Arkansas colonies suffered for want of ordinary home support. The success of the order in Arkansas has not been comparable to that of the Benedictines, but their long night seems to be drawing to a close, and there are indications that vigorous work will soon be inaugurated.

Another noteworthy German colonization was successfully carried out in the northeastern part of Arkansas under the general direction of Very Rev. J. E. Weibel. Pocahontas and Jonesboro became centers the past twenty years, and several hundred German families from Germany, Switzerland and the eastern states of the Union, settled on the fertile lands. Benedictine Sisters from Switzerland opened schools, and recently a hospital. By means of these various colonies the German

Catholic element is the largest nationality in the diocese and perhaps equals all others united.

A Polish settlement was begun under favorable circumstances at Marché, sixteen miles above Little Rock, about 1880. It has had a slow growth, and had it not been for the unhappy misconception of American life which seems to have been the lot of that most excellent race of people in many of the largest cities of the United States, this settlement would not have been interfered with and would have developed into one of the largest and best in Arkansas. The church, school and farms of the families are in admirable condition at the present time, the people contented and happy, and future prospects are all that could be desired.

Bohemian and Irish Colonies.—A Bohemian colony began life a quarter of a century ago a few miles south of Dardanelle, and attained an uncertain growth of forty or fifty families. Its condition has improved, and its future progress under the guidance of priest and church is expected. St. Patrick's Irish colony, which was to have been established a few miles north of Dardanelle in 1882, did not materialize, and the place was abandoned, the few settlers going to other parts of the State.

An Italian Colony was established in 1894 at Sunnyside, Chicot County, on the banks of the Mississippi River. Austin Corbin, a capitalist of New York, had acquired several thousand acres of rich cotton land, and conceived the idea of colonizing the place with Italian immigrants. Bishop Fitzgerald was not consulted until the project was well under way, and failure appeared to be imminent. Catholic colonists can not succeed without the wise counsels and guiding hands of bishop and priests. The allotment of twelve acres to each family that was made was too small to be mutually profitable. Austin Corbin met death by an accident in New York and his heirs and successors did not show much faith in the enterprise. Two hundred families came from Italy and began their new life in a strange land. Bishop Fitzgerald, through Cardinal Satolli, then apostolic delegate at Washington, secured the services of Father Bandini, a priest of an Italian missionary society, as pastor and director.

Sisters of Mercy went from Little Rock to open schools that the children might learn the language of the country and be trained in the rules of their church. Sickness broke out, as the people were unacclimated, and the settlement was well-nigh abandoned. Father Bandini secured an ideal location in the northern part of the State, where a mountainous region afforded excellent health and the rich valleys presented suitable lands where fruit and grain could be raised. Three-fourths of the Sunnyside colony removed to Tontitown, the name of the new settlement. With but few mishaps, it has grown large and prosperous. Baron des Planches, Italian ambassador to the United States, on a visit of inspection of Italian life, in 1907, in the Southern States, at the instance of his government, expressed much gratification at the beautiful sights that met his gaze in Tontitown.

Forty or more families remained at Sunnyside, held there by the extraordinary fertility of the alluvial soil and the consequent large crops of cotton and corn. The number gradually increased by immigration from Italy until 1908, when there were two hundred families. Father Galloni is their pastor. The growth of the colony is slow and their final success, handicapped as they are, not owning the land, is yet a problem.

IMPORTANT RESULTS.

One result of the Italian colonies is the desire of the cotton planters of the southern part of the State to run their plantations with Italian labor. The negro, the sole dependence hitherto, is slowly giving up agricultural life for the more attractive though uncertain life on railroads, sawmills and other industrial works. The South is now filling up so rapidly from immigration that the former supply of labor must naturally become totally inadequate to the new demands. Mr. John M. Gracie, a Catholic and the largest cotton planter in the State, has brought thirty families to one of his plantations at New Gascony in Jefferson County and speaks in the very highest terms of his Italian tenants. In a few years, from the present outlook, several hundred Italian families will be settled upon the immense cotton plantations of Arkansas.

Priests and sisters for schools will follow, and the increase in local Catholic population will be noteworthy. It is well to remark that the Italians who have settled individually in Pine Bluff, Little Rock and other cities, and the number is considerable, evince an early desire to become American citizens. This country is to be their home and the home of their children, and they realize the fact that the sooner they become Americanized in language and habits of life the better it will be for all concerned. Italian immigration, or that of any other European country, when subjected to the ordinary safeguards of inspection, will become rapidly assimilated in the associations of American life and become a strong factor in the future stability of the republic.

Syrians, Slavonians and Greeks have come to Arkansas to the number of a few hundreds. For the most part they are still nomadic, the Syrians traveling from town to town and the Slavonians going from one to another of the mills of hardwood where staves and barrel headings are made, in the southeastern part of the State. A Syrian priest has begun to make visits to his nationality. The Slavonians seem to be satisfied with the ministrations of the local clergy. A Greek or Slavonian colony near Stuttgart, Arkansas County, has been in existence twelve or more years. Its church is attended from Stuttgart, and the community, all farmers, is slowly but safely progressing.

Our Colored Brethren.—The proportion in population of one-fourth black to three-fourths white for the whole State has been steadily maintained for three centuries, the number of negroes in Arkansas being now something over 350,000. As only three hundred of this vast number are Catholics, it may seem that the church has neglected some of her children. At the close of the Civil War in 1865, owing to the fact that many cotton planters owning from one hundred to three hundred slaves, were Catholic, a large number of negroes, who had received baptism through policy or conviction, professed the Catholic faith. In different parts of the State a small number of free negroes had existed, some of whom were Catholics. The small Catholic churches of those times had upper galleries, where the negroes joined with the whites in divine service. When free-

dom came such quarters were not acceptable. Protestants had always the plan of separate churches and organizations, and the negroes were left to manufacture such religion as they might be able to produce. The polity of the Catholic church does not allow a separate organization, but readily permits separate schools and churches. It was shortness of priests, however, that prevented anything being done. On the other hand, the white Catholics who built the churches and supported the priests, were not willing that negroes should be on an equality with them. They could not sit side by side with their former slaves, whose ignorance, uncouth manners and frequent uncleanliness rendered them more or less obnoxious. The negroes were allowed to use the rear seats of the churches, but received holy communion at the same table with the whites as well as confirmation from the hands of the bishop and all other sacraments.

Mother Katherine Drexel, founder and superior of the order of the "Blessed Sacrament," whose object is the welfare of the Indians and negroes, has in recent years been able to turn more from Indian to negro work, and her generous hand has been extended to many Southern institutions. She has also begun to establish houses of her own order in the South for the benefit of the negro. The Negro and Indian Commission, of which Cardinal Gibbons is president and Very Rev. E. R. Dyer, D. D., secretary and treasurer, which was instituted by the last national council of Baltimore to handle the funds that might be received from the annual collection for Indian and negro missions in the Catholic churches of the United States, has been able to give appreciable help to the struggling missions. There have also been Catholic individuals North and South, whose zeal for the cause of religion has prompted them to give what they could afford for the advancement of spiritual work among the negroes of the South, but all these things combined are not to be compared to the millions of dollars which Protestant philanthropists have so freely and so nobly sent to the Southern negro.

Protestant Philanthropy.—The Civil War had scarcely closed when Northern Protestant white churches and their phil-

anthropic members began to send financial aid to their negro brethren in the South for the erection of churches and schools. Fifty million dollars is a conservative estimate of this generosity from 1865 to 1905. The negroes, on their part, hastened to correspond to the wishes of their benefactors and spend this money. Many of the men were gifted with good memories and though unable to read or write became preachers in great numbers. It was an old saying that every tenth negro was a preacher. At the present time in Arkansas there are sixteen hundred negro Baptist preachers and twelve hundred negro Methodist preachers, the membership of each church being about 75,000 and 50,000 respectively. While many of the preachers are unworthy of their calling, and very few up to the white standard, a fair number of them are first class orators and men of good lives.

The white Baptist church of the State has a membership of about eighty thousand. The white Methodist church has an equal number. There are about 450 active preachers in each church. Nearly one-half of the whites and of the blacks in Arkansas are church-going people. This is, perhaps, the proportion throughout the United States.

Catholic Philanthropy was conspicuous by its absence. The numerous and wealthy Catholics of the Northern States extended no helping hand, and the Catholics of the South were too few and far too poor to do anything significant. Priests, as may be seen from this review, were very few, and their flocks very scattered. The writer became pastor of Pine Bluff and missions at the end of December, 1872. The missions included the whole southeast quarter of the State, an area of 150 miles square, the pastor of Hot Springs being supposed to attend the southwest quarter. Locomotion was by horseback, and a large part of the time of the pastor was spent in visiting distant white missions for mass and sick calls.

Pine Bluff Colored Church and School.—When relief from missionary work practically came to the pastor of Pine Bluff, he began to work among the colored people. In May, 1889, the project of a colored industrial school was taken up. For some time previously he had been gathering colored people

in St. Joseph's church on Sunday afternoons when it was not in use by the white congregation. Prayers, sermon and benediction of the blessed sacrament constitued the service. The judges of the courts and many influential white citizens who were true frends to the negro were urgent for the establishment of an industrial school, where sewing and cooking would be taught the girls and the boys might learn simple trades. It was their opinion that idleness and thriftlessness came in part from inability to live and work in a fitting manner. A board of directors was formed, consisting of the judge of the county, mayor of the city and the pastor of St. Joseph's church, all ex-officio, and a prominent white lawyer and a white planter, with two of the leading colored men of the State. A block of ground at Fifteenth and State streets, in the southern part of Pine Bluff, was purchased and a two-story frame structure erected. The school was opened September 9, 1889, two Sisters of Charity being teachers. The enrollment has grown from six pupils to 250. In 1897 a three-story brick building was erected, so that boarders might be received and cooking and housekeeping added to the branches previously taught—vocal and instrumental music, sewing and dressmaking and the usual literary branches. Bishop Fitzgerald dedicated, May 27, 1894, a small frame church on the grounds of the school and a white priest was placed in charge. This was the first negro Catholic church in the State.

As the Sisters of Charity were not intended for work among negroes, the Sisters of the Holy Family, a colored order of New Orleans, assumed, January, 1900, the control of the school. A large new church, costing about $10,000 and partly paid for, has been built. The present Josephite priest is Rev. Wm. A. Murphy, a white man. His work is slow, and considerable time will elapse before satisfactory results are seen. The attendance at Sundays' mass the present year is seventy-five catholics. The baptisms of the year ending July 1, 1907, were infants, two; adults, thirteen. At Pocahontas the Benedictine Sisters have a school of thirty colored children which promises some development. At Little Rock a small church for colored was in course of erection in 1908. It will probably be placed in charge of the order of St. Benedict.

CHURCHES—ST. ANDREW'S CATHEDRAL.

The most notable church is St. Andrew's Cathedral, Little Rock, corner of Seventh and Louisiana streets. The corner stone was laid July 7, 1878, by Bishop Fitzgerald. Archbishop Ryan preached the sermon, Bishop McCloskey of Louisville, Kentucky, Bishop Watterson of Columbus, Ohio, and Bishop Neraz of San Antonio were present. The Cathedral measures one hundred and forty feet in length, eighty-six feet across the transept and thirty-six foot walls. The style of architecture is the English Gothic and the material is native granite, quarried at Fourche mountain, three miles distant. There are two towers, one of which is finished and reaches a height of two hundred and twenty feet. The main windows are thirteen feet wide and twenty-eight feet high; the side windows being six by twenty-two feet. The interior is finished in native wood, the roof being of exposed timbers richly ornamented with quatre foils and spandrels. The marble main altar, costing over $2,000, was a gift of Mr. and Mrs. Alex Hagar. The architect was Thomas Harding and the entire cost about $60,000. It was dedicated with elaborate ceremonial by Bishop Fitzgerald November 29, 1881.

FORT SMITH CHURCH.—The next large church to be erected was the Immaculate Conception at Fort Smith. Through very generous aid from Bishop Fitzgerald Rev. Lawrence Smythe, the pastor, was enabled to build a commodious brick structure, the estimated cost being $35,000. It stands on a slight elevation at the head of Garrison avenue, the main thoroughfare of the city, which circumstance gives it special prominence. The congregation of which Very Rev. P. F. Horan, D. D., is now pastor, is the largest in the diocese, numbering more than three-hundred families.

OTHER CHURCHES.—The German church of St. Boniface, in care of the Benedictines, is a small structure of frame, but with school, pastor's house and sister's residence, occupies a whole block. The congregation is comparatively large.

The large stone church at Pocahontas, built by Rev. Saettle, now pastor of Lake Village, McGehee and other towns of south-

ern Arkansas, was dedicated in 1904. The cost was about $40,000, and as the congregation is composed of poor German farmers, Father Matthew collected considerable money among the more wealthy Catholics of the North.

A very notable church was dedicated at Little Rock, July 4, 1905, by Bishop Allen of Mobile, on account of the illness of Bishop Fitzgerald, under the patronage of St. Edward. The congregation of about two hundred and fifty families is German and the pastor is Very Rev. Fintan Kraemer, O. S. B. The material is pressed brick of gray color, with white stone trimmings. The cost is estimated at $50,000. The location is opposite the main entrance to the City Park, giving it a delightful view.

Hot Springs and Helena Churches are brick structures, costing about $10,000 each, and conveniently supplied with all necessary furniture. Pine Bluff spent $10,000 twenty years ago on a temporary frame church, which will be replaced in a few years by a handsome brick building. Hot Springs, Texarkana and other cities are planning to erect new and fine churches.

The churches in the diocese with resident priests number forty-one, missions with churches, thirty-two, and missions without churches, sixty-seven. There are many small churches on the missions which cost only a thousand dollars, sometimes less, and these are a great consolation to priest and bishop, as they obviate the necessity of using a private house for mass and frequently represent the fruit of more than ordinary piety and energy.

There are in the diocese thirty-three secular priests and thirty-four priests of religious orders, viz: Benedictines, thirty; Holy Ghost Fathers, three; Josephite, one. For attendance of twenty-two thousand people, the number of Catholics in Arkansas, this is a good proportion.

Colleges.—The only complete Catholic collegiate institution in the State is at Spielerville, Logan County, where under the jurisdiction of New Subiaco Abbey, conducted by the Benedictine Fathers, is a seminary for ecclesiastical students, having at the present time eighteen, and a classical and commercial college with fifty, students, all being boarders. This institution is only a few years old and has shown a vigorous growth.

Catholic Academies.—Wherever there is a resident priest as a rule there is an academy or school, large or small, conducted by sisters. Boys are received up to the age of sixteen years and in a few of the largest schools there is a boys' department with a regular commercial course of study. There are forty-eight Catholic schools in Arkansas with an enrollment of three thousand five hundred pupils.

St. Mary's Academy, founded in 1850, is the oldest Catholic institution in the State, the Loretto Convent of St. Mary's settlement having ceased to exist in 1845. Some history of this famous academy has already been given. Being the quasi mother house in the State of the Sisters of Mercy, the teaching faculty has been naturally strong. The boarding department enabled the planters before the war to educate their daughters. In addition to school work, the sisters did much to keep the faith alive among the people when priests were scarce and irregular in attendance. They cared for orphans and during the Civil War labored in the army hospitals. The building, brick in front and frame in the old part, is two stories and comfortably arranged. The large block of ground of the sisters is directly opposite St. Andrew's cathedral and is very valuable property. The school connected with St. Mary's convent has one hundred and thirty pupils. In 1907 the Sisters of Mercy sold this property to Bishop Morris for fifty-five thousand dollars and erected a handsome five story brick convent on Pulaski Heights where they will in the future conduct their academy. Their school at the church of Our Lady of Good Counsel has sixty pupils.

St. Ann's Academy at Fort Smith, established 1851, has grown through many difficulties to be the finest Catholic school in the State in respect to buildings and grounds. The new convent buildings are three-story brick, stone finish, fully equipped and admirably located. The attendance of boarding and day pupils is two hundred and thirty. Before the Civil War boarders came from the Indian Territory, now Oklahoma, in great numbers, with more or less Indian blood in their veins.

The Convent at Hot Springs of the Sisters of Mercy began with a donation of a small building and grounds by Father Mc-

Gowan, of New Gascony, twenty-five years ago. The usual growth came in response to the prayers and labors of the sisters, and the attendance of pupils is one hundred and ten. The school has afforded an opportunity to families in the severe northern climate to send their daughters where health conditions are important in particular cases, especially such as are found at the famous Hot Springs whose medicinal properties are celebrated.

Other Schools by the Sisters of Mercy are conducted at Argenta, where five sisters have one hundred and fifty pupils, at Mena where four sisters have forty. The Sisters of Mercy from Morgan street, St. Louis, conduct a small school of thirty pupils at Eureka Springs.

The Sisters of the Charity of Nazareth, whose mother house is at Nazareth, Nelson County, Kentucky, established a day and boarding school at Helena in 1878. Helena being only a few hours ride to the large city of Memphis has always suffered from this circumstance commercially and otherwise. Sacred Heart Academy, Helena, is however, successful, the number of pupils being one hundred.

Annunciation Academy.—In 1880 the Sisters of Charity opened a school at Pine Bluff with forty pupils, which number grew in years to be two hundred and fifty, more than half of whom have been non-Catholics, though including every Catholic child of school age in the city. The reputation of the school approaches that of ordinary colleges and its graduates in the departments of literature, art and music rank in the highest grade. Its present building is a commodious two-story brick, erected at a cost of $20,000 and its beautiful grounds adjoining St. Joseph's church render it all the more attractive.

It is not an easy matter to describe the schools of The Sisters of St. Benedict. They are very numerous, and while their sphere of work is almost exclusively among Germans, their labors are fruitful. In course of time American life around them will mingle more and more with their efforts. Their largest schools are perhaps at St. Boniface's church, Ft. Smith, of one hundred and thirty and at St. Edward's church, Little Rock, of one hundred and forty. The St. Scholastica Convent, Shoal Creek, Logan County, with seventy-five sisters and nov-

ices and seven postulants in the community, supplies many surrounding missions with teachers.

The Convent of Maria Stein of Switzerland, at Jonesboro, is the mother house of this branch of the order in Arkansas. There are seventy-five sisters in the community. Excepting the care of St. Bernard's hospital, where there are six sisters, their work is given to schools. The number of pupils at Jonesboro, including twenty boarders, is one hundred and twenty-five. At Pocahontas there are twelve sisters and one hundred pupils. Paragould with eighty pupils, Stuttgart, thirty-five; Forrest City, forty; Brockett, thirty-five. Wynne and other places have smaller schools.

SCHOOL SISTERS OF NOTRE DAME.

The Sisters of Maria Stein generally stand an examination as public school teachers before they assume charge of a school, a very commendable thing, especially as the sisters are all foreign born.

These sisters have for the past five years conducted a school at Morrilton. Their building and grounds present a charming appearance to railroad travelers as they pass by. Their pupils number eighty. The Fathers of the Holy Ghost interest themselves in the progress of the school. At Conway four sisters have a flourishing school of one hundred and three.

The Italian colony at Tontitown under charge of Father Bandini has a school of seventy-seven, conducted by Sisters of Mercy.

The Catholic Directory of 1908 gives the total number of sisters in charge of schools and hospitals as two hundred and eighty-three, divided as follows: Benedictines of New Subiaco, eighty-three; Benedictines of Maria Stein, seventy-five; Sisters of Mercy, sixty-two; Sisters of Charity of Nazareth, thirty-six; Sisters of Notre Dame, ten; Sisters of Holy Family (colored),

Hospitals.

The first hospital to be erected was St. Vincent's Infirmary, whose original location was on East Second street, Little Rock, where the general offices of the Choctaw railroad are now located. The site of the infirmary was changed to Capitol

Hill, in the southwestern part of the city, where in 1900 a magnificent sixty thousand dollar building was built on a charming elevation. The Sisters of Charity of Nazareth conduct it. Bishop Fitzgerald was the real founder of this infirmary, though E. W. Parker and wife, philanthropists of Little Rock, were interested in its establishment and the legacy of Alex. Hagar and wife, noble-hearted Catholics of Little Rock, aided very materially towards launching it. Its final completion and maintenance is a monumental tribute to the generosity and skilled judgment of Bishop Fitzgerald.

St. Joseph's Infirmary at Hot Springs, owned by the Sisters of Mercy, was at first only a three-story frame building of moderate size, the partial gift of Rev. P. McGowan of New Gascony. The sisters two years ago built an imposing structure five stories in height, of stone and brick, and now enjoy the realization of former dreams of comfort. The new St. Edward's Infirmary, Fort Smith, completed, 1905, represents an outlay for building and grounds of thirty-five thousand dollars. The building is located on the Convent grounds and presents a fine appearance, being of brick, two stories in height. It is under the control of the Sisters of Mercy. The Sisters of Mercy of Morgan street, St. Louis, through the invitation of R. C. Kerens, a leading Catholic of the west, opened an Infirmary at Eureka Springs, a health resort in North Arkansas, in 1902. St. Bernard's hospital at Jonesboro, is a recent addition to our Catholic institutions. Benedictine Sisters conduct the work. The building, though not large, is ample for present needs. In Texarkana (the Arkansas side) the Cotton Belt Railway has erected a three-story brick building with ample equipment, and has made it the main hospital of their system. The Sisters of the Incarnate Word have charge of the domestic department.

The Society of the Propagation of the Faith, with headquarters at Lyons, France, raised during half a century from its members more than one million dollars annually to support in whole or in part Catholic missions throughout the world, in which were included the Southern states of our Union. In fact, without this aid Catholic missions in the South could not in past years have been maintained. In 1893, the diocese of Little

Rock was adjudged to be able to take care of itself and donations from this fund ceased, leaving Bishop Fitzgerald to provide as best he could for the support of parishes and missions.

Nothing has been said in this sketch of the Indian Territory, as it was separated from the diocese of Little Rock and erected into a Vicariate Apostolic May 29, 1891, with Right Rev. Theo. Merschaert, D. D., as vicar apostolic, and August 23, 1905, was elevated to the rank of a diocese and named Oklahoma. The stroke of paralysis which befell Bishop Fitzgerald January, 1900, prevented him from taking more than a directive part in the affairs of the diocese, but owing to the energy and wisdom of his vicar general, Very Rev. Fintan Kraemer, the machinery of diocesan work has been kept in successful operation. Father Kraemer, being a member of the order of St. Benedict, has been able with his brother priests, to afford temporary supplies to various parts of the diocese. His considerate feeling for the pastors in their many difficulties, combined with his wise counsels, and ever readiness to offer his own services, has smoothed their pathway. The constant demand for pastors for country missions and the difficulty of procuring worthy priests from other dioceses induced travel on his part and frequently much misgiving as to results.

Among the most distinguished priests who aided Bishop Fitzgerald in the upbuilding of the diocese of Little Rock and who have now gone to their reward, may be mentioned, Rev. James O'Kean, Very Rev. Agidius Henneman, V. G., Very Rev. M. M. Hallinan, D. D., V. G., and Very Rev. James F. Callaghan, D. D., V. G.

Father O'Kean came from the Nashville diocese, 1868, and became the first pastor of Pocahontas. The Iron Mountain railroad from St. Louis to Texas was building at this time, but passed ten miles eastward of the little town. The railway station for Pocahontas on this road was named O'Kean. St. Paul's church was built, 1868, at Pocahontas, the congregation being mostly converts made by the genial and eloquent Father O'Kean. The town, however, rapidly declined and Father O'Kean became pastor of St. Andrew's cathedral at Little Rock where he remained until his death in 1875.

Very Rev. Aegidius Henneman, who died Christmas day, 1883, at the Hotel Dieu, New Orleans, was for several years preceding his death vicar general of Bishop Fitzgerald. He was a member of the Benedictine order and belonged to a family of the nobility of Germany, his native land. His learning, humility and affability, were remarkable and made for him a friend of every one whom he met. His physical health forced him more frequently than he desired to seek a change of climate. He was a man of warm heart and unswerving in the performance of his duties. His reserve about his life and family renders any account very imperfect.

Very Rev. M. M. Hallinan, D. D., who died in Little Rock December 12, 1887, succeeded Father Henneman as vicar general, being an old-time friend of Bishop Fitzgerald. He was born in Ireland, 1827, and for the five or six years preceding his death was acting rector of the Cathedral and vicar general. His studies were made at the Seminary of St. Sulspice, Paris, where he went at an early age and became a master of the French language. He was ordained for the diocese of Cincinnati and was made rector of Mount St. Mary's Seminary of the West, by Archbishop Purcell. He left a small estate of about five thousand dollars to the diocese, for the erection of St. Andrew's Hall on Sixth and Louisiana streets, Little Rock. The mass of requiem was a pontifical high mass, Bishop Fitzgerald being celebrant; Rev. J. M. Boetzkes, assistant priest; Rev. Laurence Smythe, deacon; Rev. J. M. Lucey, subdeacon; Rev. P. H. Garaghty, master of ceremonies. Rev. P. F. O'Reilly, assistant rector of the Cathedral, delivered an eloquent funeral oration. Dr. Hallinan was a gentle spirit and very kindly in disposition.

Very Rev. James F. Callaghan, D. D.—General Gammon, a West Point graduate and ante-bellum professor in Mount St. Mary's Seminary at Cincinnati and other institutions, used to say that the most brilliant intellects with whom he became acquainted as teacher, were Rt. Rev. J. L. Spalding, bishop of Peoria, Illinois, and the Rev. J. F. Callaghan. Dr. Callaghan was born in New Jersey about 1839, and died in St. Vincent's Infirmary, New York City, December 12, 1899, of Bright's disease. He was professor of Greek, Physics and Latin at Mount St.

Mary's Seminary, Cincinnati, during which time he was also editor of the Catholic Telegraph and pastor of All Saint's church. For ten years he was attached to the cathedral, Cincinnati, and was secretary to Archbishop Purcell in the decline of the latter's life. He was vicar general of Bishop Fitzgerald for several years until October, 1899, when the state of his health forced him to resign. His doctorate came from the Holy Father at the request of Archbishop Purcell. He was one of the editors of the last edition of Webster's Unabridged Dictionary. Gifted with an extraordinary memory and a combative disposition, his marvelous learning made him an opponent to be feared, though in many things he was as gentle as a child.

After a long and patient struggle with physical ills which resulted from a paralytic stroke experienced at Jonesboro, January 16, 1900, Bishop Fitzgerald died at St. Joseph's Infirmary, Hot Springs, February 21, 1907. The body was transferred to Little Rock and the funeral obsequies took place Wednesday, February 27, at St. Andrew's cathedral. Rt. Rev. Thomas Heslin, bishop of Natchez, Mississippi, celebrated the solemn pontifical mass of requiem. The panegyric was delivered by Rt. Rev. N. A. Gallagher, bishop of the province of New Orleans. Rt. Rev. John B. Morris, successor of Bishop Fitzgerald, presided at the ceremonies and in addition to the above mentioned prelates, was assisted by Rt. Rev. Cornelius Vande Ven, bishop of Natchitoches, and Bishop Jansen of Belleville, Illinois. The body of Bishop Fitzgerald was placed in a tomb beneath the vestibule of the cathedral by the side of that of Bishop Byrne. The forty years of episcopal labor of Bishop Fitzgerald in Arkansas (he was consecrated bishop February 3, 1867, and died February 21, 1907) have been closed.

An approximate idea of the diocese of Little Rock in 1907 may be gathered from the preceding narrative. The times have grown propitious and the new era of Catholic work which has dawned upon Arkansas is pregnant with great events. The prosperous times, increasing Catholic population, solid foundations of churches, schools and universal freedom from debt, must be a gratifying prospect to the new prelate. His youth, knowledge and wisdom will soon give shape to the latent ele-

ments of progress which Arkansas possesses and the harvest of his silver jubilee will glisten with many a bright religious gem and trophy. The clergy, both secular and religious, as well as the large body of gifted women whose lives have been consecrated to the service of the divine Master, are prepared to be guided as loyal sons and daughters of mother church by the ruler whom the Holy Ghost has chosen to lead them to victory.

Rt. Rev. John B. Morris, D. D.—Bishop Morris was born near Hendersonville, Tennessee, June 29, 1866. He entered St. Mary's College, Kentucky, when quite young and after graduation there entered the American College at Rome. He was ordained to the priesthood June 11, 1892, by Cardinal Parrochi in the basilica of St. John Lutheran. Returning from Rome he became connected with St. Mary's cathedral and St. Joseph's church, Nashville, Tennessee. Soon afterwards, 1894, Rt. Rev. Thomas S. Byrne, bishop of Nashville, appointed him chancellor of the diocese and on May 11, 1901, vicar general.

The consecration ceremonies of Bishop Morris were performed June 11, 1906, in St. Mary's cathedral, Nashville. It was in that church that his father and mother were married and from it they were buried. He was himself baptized and confirmed there and served its altar as priest for thirteen years. Rt. Rev. Thomas S. Byrne was the consecrating prelate. Bishop Gallagher of Galveston, senior bishop of the province of New Orleans after Bishop Fitzgerald, was first assistant; Bishop Allen of Mobile, was second assistant; Archbishop Moeller of Cincinnati, delivered the sermon.

Bishop Morris arrived in Little Rock Tuesday, June 19, and on the following day visited Bishop Fitzgerald at Hot Springs. His first public appearance in his new diocese was made Sunday, June 24, when he celebrated pontifical high mass in St. Andrew's cathedral and delivered a brief but notable sermon in which he said:

"From today my chief hope and desire shall be to labor earnestly for the welfare of this diocese. My first concern shall be the spiritual and temporal interests of the people to whom I have been sent. I recognize

that my charity must extend to every one in this city and State, whether he be Catholic or non-Catholic. I beg above all the co-operation of the Catholic laity in my work and I can assure them that I have always tried conscientiously to understand and appreciate the layman's point of view and from them I expect not only reverence for my office but intelligent approval and assistance in my work."

Pontifical vespers were given at 7:30 p. m. by Bishop Morris. Father P. Enright, acting pastor of the cathedral, delivered the sermon in which he welcomed the new bishop on the part of the Catholics of the city and State and reciprocated in full the cordial greeting of the bishop. The music for the morning and evening services was unusually fine. The choirs of St. Andrew's cathedral and of St. Edward's church were combined under the direction of Prof. J. J. Keller and Prof. Herman Lensing, assisted by prominent soloists of the city. The attendance was estimated at one thousand people, more than the capacity of the cathedral could accommodate. All these circumstances as well as the several receptions that have been tendered Bishop Morris indicate that the impressions of the bishop and people have been mutually agreeable and satisfactory, and that the work of the bishop has been begun under the most favorable auspices.

The brief period of two years is naturally too short in which to show forth the peculiar character of Bishop Morris or to give any positive indication of the powers of business administration and diocesan direction which he may possess. His energy and good judgment have been manifested in a few things. A diocesan synod has been announced for the spring months of 1909 which will be the first Catholic Synod ever held in Arkansas. An extensive tract of land 720 acres a few miles north of Little Rock, has been purchased and the contract has been let for an orphanage that will cost $100,000. The block of ground west of St. Andrew's cathedral and opposite, formerly owned and occupied by the Sisters of Mercy, was purchased for the sum of $55,000, and will be transformed into a female school of high standing. The Military Academy building of Little Rock was bought for $20,000 and was opened in the fall of 1908 as a high school or college for boys, under the name of Little Rock College. These are some of the important works which Bishop Morris has undertaken and afford an index to the character of the man and the method of his work.

The following works have been consulted in the preparation of this sketch:

French Domination; Spanish Domination; American Domination; by Charles Gayarré, 1885.
A Tour of the United States, by John Pope, 1792.
History of Oregon and California, by Robert Greenhow, 1845.
Military and Topographical Atlas, by John Melish, 1815.
Travels in Arkansas, by Thomas Nuttall, 1821.
Early Days in Arkansas, by William F. Pope, 1895.
Reminiscences of the Indians, by Rev. Cephas Washburn, 1869.
Francis Parkman's Works.
Bancroft's History of the United States.
Makers of Arkansas History, J. H. Reynolds, 1905.
Hempstead's School History of Arkansas.
Shinn's School History of Arkansas.
Rozier's History of the Mississippi Valley, 1890.
Jewell's History of the Methodist Church in Arkansas, 1898.

IN RELATION TO THE PRONUNCIATION OF THE NAME "ARKANSAS."[1]

To the Eclectic Society:

GENTLEMEN:—Your committee appointed to confer with a like committee on the part of the Arkansas Historical Society, to investigate and determine upon the correct pronunciation of the name of the State, report that the committee of the historical society was promptly appointed upon our suggestion, and the joint committee organized a few days afterwards. The members of both committees have entered upon the work with genuine interest and have given the matter an exhaustive consideration. They have called to their aid history, tradition, philosophy, and have derived all the light accessible from the memories and recollections of the more intelligent days of early settlers. They have derived important aid also from acts of Congress and treaties with the Indian tribes. There have been several meetings of the joint committee from time to time, in which the matter has been freely discussed in a colloquial manner, and measures devised for wider investigation. One of the most gratifying results of the inquiries instituted has been a letter from our world-renowned American poet, Longfellow, to a member of our committee, in which, upon authority and also as a matter of taste, he expresses a decided preference for the old and more common pronunciation. Such authority would be decisive to turn the scale, if there could be any doubt; but there is none.

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[1]Prepared in 1880 by a joint committee from the Eclectic Society and the old members of the then defunct Arkansas Historical Society. Issued at the time in pamphlet form. Because of its value it is reprinted here for permanent preservation.—Editor.

It remains to say that the members of the joint committee have been unanimous in their report, which is herewith respectfully submitted with accompanying papers.

JNO. R. EAKIN,
H. C. CALDWELL,
LEO BAIER,
N. JOHNSON,
U. M. ROSE.
Committee of "E. S."

REPORT OF THE JOINT COMMITTEE OF THE ECLECTIC AND ARKANSAS HISTORICAL SOCIETIES UPON THE NAME OF THE STATE.

The committee reports to the Eclectic Society and the Arkansas Historical Society that they have fully considered of the proper pronunciation of the name of the State, and find:—

That the name is taken from that of a tribe of Indians inhabiting the country upon the northern bank of the river of the same name. The early French explorers caught from them the sounds of the name, and endeavored to represent them by modes of spelling. In other words, it belongs to the class of Gallicized Indian names, which, together with those of purely French origin, make so important a part of the nomenclature of the rivers, mountains, and prairies of the territory purchased from the French under the name of Louisiana. Of these it may be remarked, in passing, that generally they are highly beautiful, and enter smoothly into poetry and the higher styles of composition. They are associated also with the legends of the country, the adventures of the earlier explorers, and the struggles of the later pioneers of civilization, who made here the first permanent settlements for their posterity. In the old diaries, notes, reports, and rude maps of the early French, the name is differently spelled. Each, having no guide, made his own phonetic effort to represent sounds heard upon the lips of the natives. For a more particular account of which we refer to the accompanying papers of Messrs. U. M. Rose, S. W. Williams, and others. In one thing all agree, that the sounds represented by the letters and syllables can, in the French language, be nothing

different from the pronunciation which afterwards became common, namely, the pronunciation in three syllables with the final "s" silent and the broad sound of "a" in each. This French pronunciation passed afterwards to the Americans, prior to and with our purchase of the territory, and was used by all the people, as well as the statement in official transactions. This is abundantly illustrated by the American spelling, which for awhile, was adopted to indicate approximately the French sounds. The English not having the final "s," the letters "aw" were introduced temporarily to avoid corruption in pronunciation. They nearly, but not quite, represent the broad sound of "a" in the French, with the silent "s." This became the spelling of Congress. Whether adopted by chance or design, it was a happy thought. It caught the pronunciation, and transported it into the English at a critical period, when it might have been lost or corrupted as many French names of less importance have been, to the point of entire disguise. When the pronunciation had become familiar, and the danger was thought to be past, the better taste of our more cultured people, amongst whom was Governor Izard, of this State, insisted upon the restoration of the original orthography, which was easily effected, and now universally adopted. For uniformity, however, it would still be pardonable to use the orthography of Congress, in the act establishing the Territory.

Through these changes in spelling we are satisfied that the pronunciation remained unaltered, and was so used by all the people until a quite recent period, and is still used by a very large majority of the people of all classes.

We have taken some pains to inquire into the origin of a vicious pronunciation which, by some unaccountable means, has lately come to be used by a small class of educated and worthy people, and has obtained recognition to some extent amongst lexicographers. By it, the accent is cast on the middle syllable, the final "s" is sounded, and the Italian sound of "a" in the second and third syllables changed to the sound of "a" in *can*, instead of its sound in *car*. Its origin, although quite recent, eludes all investigation. It has no basis of reason, au-

thority, or prior polite usage. It is simply a wanton innovation, and has been prompted, we think, by an over-nice desire to avoid what were supposed to be vulgarisms of manner and speech prevalent amongst the earlier population. Those who adopted it failed to examine into the true pronunciation, and thus to distingush it from admitted vulgarism; and, what was less pardonable, failed to consider that they would thus render ridiculous a name highly poetic in its sound, and associated with the grandest memories of the past, from the days of Marquette downward. We are happy to state, however, that we find this vicious habit less universal and less firmly established than the honor given it by lexicographers led us to fear. It has never obtained except amongst a small class of immigrants from more distant states. It is almost unknown in those states which have furnished the great mass of our population, and entirely so amongst those born and bred in the State, or who came here at an early period.

We are, therefore, unanimous, and without hestitation, in declaring it as the result of our inquiries that the true pronunciation of our State is in three syllables, with the broad Italian sound of "a" in each, and with the final "s" silent, with the accent on the first and last. The spelling is correct and indicates properly its French origin.

The polite world will, doubtless, concede to our State the privilege of fixing the pronunciation of its own name. The pronunciation herein indicated as proper is now retained and commonly used by the governor, heads of departments, and all the judges of our superior courts. We beg leave to recommend that it continue to be used in all official *viva voce* proceedings; and to promote the continuation of this, and the better to inform the world, we recommend that this joint committee, or one formed for the purpose, be instructed to use all proper efforts to procure from the next general assembly a joint resolution to the same effect, and that they transmit the same,

when passed, to the publishers of principal lexicons, gazetteers, and school geographies in the United States.

JOHN R. EAKIN,
H. C. CALDWELL,
LEO BAIER,
N. JOHNSON,
U. M. ROSE,
THOMAS WELCH,
C. B. MOORE,
S. W. WILLIAMS,
E. H. ENGLISH,
M. W. BENJAMIN,
Joint Committee.

To Hon. John R. Eakin, President Joint Committee, Little Rock, Arkansas.

SIRS—According to the agreement made at the last meeting of the joint committee of the Eclectic and Historical Societies, each member of the committee has to write his views of the proper spelling and pronunciation of the name of this State, with the reasons and authority for it. I have postponed my work until an hour so late that I must simply give my views and reasons, without time to cite much, if any, authority.

First, the name of this State is unquestionably taken from the name of a tribe of Indians which occupied a portion of the territory of the State north of the Arkansas River and west of the Mississippi, at the time this country was first explored and settled by the French, which tribe is now extinct. The first phonetic spelling of their name was by the French, and as that language has no "w" in its alphabet, we find among the writings of the early French explorers that the names of the Arkansaws, the Chickasaws, the Choctaws, and the Quapaws, who occupied the Lower Mississippi, are either spelled with a final broad "a," with the circumflex accent, or "as," the final "s" being always silent in that language. It is a remarkable fact that nearly, or quite, all the tribes of Indians which occupied the country near the Mississippi River and immediately west of it had names which ended in the same sound, *aw*, and which tradition teaches were pronounced like *aw* or *ah*. Some of

these names have been changed in pronunciation—as the Ottawas, Chippewas, Cahokias, Peorias, Kaskias, Mitchigameas, whose names have been lost in part and the pronunciation anglicized and changed. The Omahas, the Utahs, and some others, have never varied their original French spelling and pronunciation, while the Wichita Indians still retain the French spelling and pronunciation; yet to this day, in the United States treaty with them, their name is spelled *Wichitaw*. While the Appalachicolas maintain their pronunciation till yet, as well as the above spelling, which is the method used in the treaty with them, the Piankeshas of the French, in our treaties with them, are spelled *Piankeshaw*. So of places and streams. Thus, we have to this day the French spelling perpetuated in this State in Ouachita, pronounced uniformly *Wachitaw;* Tensas, *Tensaw;* and in Wattesas we have in the name of a small tributary of the White River, the French spelling of the first syllable changed from "oua" to "wa" in the first syllable, and retained in the last syllable, while the pronunciation is retained *Wattensaw*.

In the treaty of 1818 with the Quapaws (See United States Statutes, vol. 7) the name of the State is spelled *Arkansaw*. So in the early acts of Congress, down to the act of March, 1819, authorizing the organization of the Territory. Governor Izard, who took charge of the territorial government in 1824, and who was an accomplished French scholar, always insisted upon *Arkansa,* without the final "s," as the correct spelling, and in all of his official papers it is so spelled. But he uniformly pronounced it *Arkansaw,* and insisted that that was the correct way to pronounce the name. Perhaps nine-tenths of the population of this State have always so pronounced the name of our own State, and we feel really aggrieved that a distant lexicographer has undertaken to call our pronunciation vulgar, when it is sustained by such strong documentary evidence and traditions.

As to the method of spelling the name of our State, I am in favor of preserving the French spelling and the French pronunciation until there is a radical phonetic reformation in our language. If depot is pronounced by the polite and educated *dapo,* I do not see how Arkansas becomes vulgar when pro-

nounced correctly *Arkansaw,* by the same rule of preserving the French pronunciation, and this pronunciation is no more arbitrary than to pronounce plough, *plow,* bough *bow,* while we pronounce tough, *tuff,* and rough, *ruff.*

Again, the pronunciation *Arkansaw* clearly distinguishes the sound from Kansas, which, if the last syllables are pronounced alike, is easily confounded by the ear.

Regretting that time will not permit a more extended citation of authority, and regretting some my unavoidable absence from the sitting of the committee on the 10th, I have the honor to subscribe myself,

Yours, etc.,
SAMUEL W. WILLIAMS.

Judge Eakin.

DEAR SIR:—Your name appears first in a published list of a committee to decide upon the proper name of our State. Therefore, and because it is you—an old editor, famous for patience under the infliction of bores—and not the public, who are to be annoyed, I take courage to write. I feel in making these suggestions that it is very like carrying coals to Newcastle, for they have doubtless been fully discussed; but my presumption can only be fully appreciated when I acknowledge that I am no philologist; that my acquaintance with the French is not recent, and was never thorough, and that I have nothing of a historical or traditional character to communicate.

I am glad to see that the duty of the committee is not to decide between "Arkan'sas" and "Ar'kansaw," but to "settle upon the name of the State." One of my suggestions was anticipated a short time since in a *Gazette* article (I think), which recalled the fact that "the French pronunciation of 'sas' is neither *sass* nor *saw,* but the Italian sound of 'a,' which is *ah* or 'a' in *far, bar,* etc.," and my recollection of French pronunciation sustains me in the opinion that the sound *awe* is rarely met with in a final syllable of French words, the nearest approach to it being, perhaps, the nasal sound "on," as *taon, bon.* If the sound belongs to another syllable beside the final, "o" before "r" is often employed, as in *fort, encore, George,* etc., and "au" in such words as *maure, taureau,* and others.

The aversion of many English speaking persons, especially of the uneducated class, to give the Italian sound to "a," is manifested in their changing "a" into "ar," as *Chinar, Asiar, Californiar.* This may account for the first syllable of "Arkan-sas,"—a name which some authorities contend was originally "Akensa;" and if this was the name used to indicate an individual of a tribe—an Akensa—in the plural as "s" could be added, but without change of pronunciation.

A similar change is now taking place from "ah" to "awe" in the name of a pair of conical mountains to which the old French settlers gave the suggestive and appropriate name "Mamelles." With the same perversion of orthœpy and etymology as has occurred in the name of the State, we now find it almost universally spelled and pronounced "Maumelle."

If the Frenchman who first wrote the name from the lips of the Indians themselves had intended to convey in letters the sound *sass* he would never have written "sas," for that is invariably pronounced *sah.* We have "as," "bas," "pas," and many others among the most common in the language, but to indicate the final hissing sound of the English "s," the Frenchman would, perhaps, have written "ase," "asses," or "ace," as in *base, basses, glace,* etc.

The inclination of the English speaking tongues to throw the accent back to the antepenult or preantepenult may account for Ar'kansaw, accent on the first; but the tendency of the French is to throw the accent on or near the final syllable.

This corresponds, too, with what we have all observed in the pronunciation by Indians of their own names—*i. e.*, to accent the final.

If the object of your committee were to find what the original name was, I have no doubt it would decide upon "Akensa" with a secondary accent, or "Arkansa." But if you take common usage into consideration, and discuss the propriety of using "sass" or "saw," you will be glad to learn that your correspondent has no further suggestion to make.

Respectfully,

Geo. C. Hartt.

I said I had nothing historical or traditional to offer you, but a native of Arkansas, French Creole, now past seventy-two years of age, tells me that he remembers that during his boyhood the common pronunciation among the French of the name of the Indian tribe, river, and Territory was Arkansáh.

G. C. H.

AR'-KAN-SAS.

The argument for the pronunciation of the name of our State drawn from history and French usage, as well as the early usage of Congress, is unanswerable. This is well presented in the papers furnished by Hon. U. M. Rose and S. W. Williams.

It is further shown by this: The State was almost exclusively settled by immigrants from Tennessee, Kentucky, Virginia, Mississippi, Georgia, Missouri, and the Carolinas. These pioneers naturally kept up communications—not only by correspondence, but by interchange of visits for pleasure or business—with friends and relatives at home. These latter would naturally speak often of the new State, and in doing so would adopt the pronunciation of the immigrants. Throughout all these states it is to this day pronounced by all the old inhabitants and their children in three syllables, with the broad Italian sound of "a," and the final "s" silent, as if written *Ar-kan-saw*. Indeed, it is still so pronounced by the great mass of the present population outside of Little Rock and a few other points to which there has been a considerable flow of population from the northern states.

I have taken some pains to find the origin of the pronunciation with the accent on the middle syllable, and the change of sound of "a" in the last two syllables. It is quite modern, and has not yet the sanction of universal usage. I think it came from the ridicule which was once the habit to throw upon the manners and customs of the people, which extended to their pronunciation of "Arkan*saw*," because associated with "Arkan*saw* Traveler," and was taken for granted to be a corruption of something more elegant. Newcomers with some culture

found it too suggestive of pioneer roughness and vulgar drawl, and, without considering that it was a correct and really highly poetical name, gave it what they considered a nicer and more clipping sound. This affectation, passing unquestioned, was gradually adopted by others not to the manner bred of calling it correctly, until it is now sanctioned by some lexicographers, and, unless arrested, may pass into our literature. But it is nevertheless shocking, not only to old traditions, but good taste, and never fails to call to mind the mode of speech of Hotspur's courtier.

Something may be said of the accent. It is an Indian name. That people were always strongly inclined to accent the last syllable in words of two, and the first and last in words of three syllables. We have followed them generally. Witness O-hi-o, Il-li-nois, Ken-tuck-y (originally pronounced with "ee" sound), Ten-nes-see, I-o-wa, and many others. The analogy would throw a slight accent on "ar" and a fuller one on "sas," thus giving the common, and certainly the better pronunciation of the State commonly used.

JOHN R. EAKIN.

Hon. John R. Eakin, President Joint Committee.

SIRS—My thoughts upon the subject of the pronunciation of the name of the State must be necessarily few, since I have little acquaintance with the early history and traditions of the State. Like others who are governed by the standard dictionaries of our language, I have been in the habit of pronouncing the word phonetically, and with the accent on the penult. This is supposed to be the polite method and in accord with common usage. Having learned that formerly the name was pronounced differently, and thinking that those who had been instrumental in introducing a change into our dictionaries could give a good reason therefor, I addressed an inquiry to President Porter of Yale College, from whom I received the following letter in response:

"YALE COLLEGE, NEW HAVEN,
CONN., April 13, 1880.

"DEAR SIR:—President Porter desires me to say in reply to your inquiry that he presumes the change to which you refer

(in the pronunciation of Arkansas in Webster's Dictionary) was made in consequence of the change in common usage on that point. He has no special information on the subject.

"Your obedient servant,

"NOAH PORTER,

"Per F. B. D."

It will be seen from the above that common usage is presumed to be the cause of the change. It seems to me that the act of a lexicographer changing the name of a state as to pronunciation ought to have some more reasonable ground than the mere presumption that it is common usage. If these lexicographers act upon this principle, their great dictionaries must cease to be standard authorities. There are two reasons that should preserve both the spelling and original pronunciation of our State.

1. The pronunciation preserves the memory of the Indian tribe which occupied this territory before the whites settled upon it. Its pronunciation carries with it thus an important historic fact. To change it is to erase the inscription of the historic truth as to who were the original inhabitants of our State.

2. The present spelling clearly indicates the nationality of the adventurers who first had the hardihood to explore this vast extent of country.

As the Dutch have left their footprints in southern Africa, by the geographical names assigned to places, localities, etc., so the French have in their explorations left, as the monument perpetuating the memory of their labors, the spelling of geographical names.

The present dictionary mode of pronouncing the word does violence to the first historic fact, and to drop this and then change the spelling would do violence to the second historic truth. Both truths are worthy of preservation.

In the pronunciation of proper names, the law of analogy ought to have some weight. We find on examination a large number of Indian names ending in the German sound of "a." These words do not always end alike. We find "a," "aw," "as," "ah," as terminations having an equivalent pronunciation.

These Indian names ending thus have a common origin and belong to the same family, and are as characteristic as "ch" is of the German or "ski" of the Polish.

Among those ending in "as" we may mention Tensas, Tuscarawas, Bahamas, Opelousas, Utawas.

Of those ending in "ah," we may mention Utah, Cohuttah, Tepeeotah, Tekamah.

Of those ending in "aw," we may mention Walashaw, Choctaw, Chickasaw, Eutaw, Tensaw.

By far the greater number end in "a." We may name among them Alabama, Iowa, Minnehaha, Dakota, Nebraska, Nevada, Tekonsha, Washita, Ouachita, Waukesha, Ottawa, Tehama, Tawawa, Towanda, Chippewa, Tuscahoma, Tuskaloosa.

Arkansas belongs to this group of Indian names, and therefore, by analogy, ought to be pronounced without sounding the final "s," and with the accent on the antepenult. As a recognized authority in the empire of letters, and especially so relative to the pronunciation of Indian names, we give below the letter of the poet Henry W. Longfellow:

"CAMBRIDGE, April 12, 1880.

"DEAR SIR:—I am sorry that I cannot answer your questions, nor even refer you to any good authority on the subject.

"The gazetteers give both pronunciations—Ar-*kan'*-sas and *Ar'*-kansaw—and leave the reader to choose. I confess I prefer the sound of Arkansaw as being more musical than Arkansas.

"Regretting my inability to decide the question, I am,

"Yours very truly,

HENRY W. LONGFELLOW."

I trust the good taste of America's greatest poet will have some influence with that over-nice class who blush to pronounce it Arkansaw because some regard it as vulgar and indicative of a want of culture.

LEO BAIER,

President of St. Johns College.

LITTLE ROCK, May 6, 1880.

SIRS:—All of our early accounts of the first explorations in this country were written in the French language, and hence

the French orthography still adheres in many of our local names. Three-quarters of a century ago the country now called Arkansas belonged to France. It appears that the final broad Italian sound of the letter "a" was common in the Indian languages. In our modern spelling this sound is represented in various ways—as by the final "h" in *Utah* or *Talequah;* a final "w," as in *Choctaw;* or simply the final "a," as in *Omaha;* or a final "s," as in *Tensas.* Many instances of each of these rules might be given. The object in each case is evidently to reproduce the original broad sound of the letter "a," as used among the native tribes. In the French language there is no letter "w," and the letter "h" is not used in such cases; but instead the letter "s," silent, is often used in order to indicate a broader sound of the final "a." Instances of that kind are innumerable.

The question is as to whether the name of our State should be pronounced "Ar*kan*sas" or "Arkan*sas,*" having the final Italian sound. It is absolutely certain that the name as pronounced by the Indians was the same as if spelled in our language *Arkansaw.* Reference to but few sources of information will make this apparent. Let us take the following authorities:—

In the memoirs of the Sieur de Tonty, 1678[1] the name is written *Arkanças.* By the same author the name "Tensas" is written *Taenças.* In a letter written by him, probably about 1679, the name is written *Arkansas,* just as it is spelled to-day. These are the oldest authorities that I have found. In Marquette and Joliet's account, 1673, the name is spelled *Arkansea* and *Akansea.* In La Salle's map, about 1683. *Akansa.* In Father Hennepin's account of the discovery of the Mississippi River, 1681, *Akansa.* In Joutel's historical journal of La Salle's

[1]These dates with respect to the memoirs and letter of De Tonty are probably not correct, as he had scarcely had an opportunity of coming in contact with the name "Arkansas." He arrived in America for the first time in July, 1678, landing at Quebec. He came west perhaps as far as Lake Michigan the following year, and in 1680 was left by La Salle in charge of Ft. Crèvecoeur in the Illinois country. It was not until 1682 that, with La Salle, he came down the Mississippi and stopped at the mouth of the Arkansas. His first memoirs were not published in Paris until 1697, and doubt is even entertained with respect to their genuineness. A translation of his memoirs is to be found in French's Historical Collections of Louisiana.—Editor.

last voyage, 1687, *Accançeas.* In La Harpe's account, 1723, *Arkansas.* In the journal of M. Savoule, 1701, *Arkansas.* In the journal of Father Charlevoix, 1721, *Arkansas* and *Arkanseas.*

There is no evidence that the name was ever pronounced with the accent on the second syllable until about the time of the foundation of the state government; and then it was an exceptional pronunciation, properly regarded as an innovation. After the cession of the territory to the United States, there was an occasional effort made to anglicise the orthography, and in various old maps and geographies the name is found spelled *Arkansaw.*

As to the final "s" in the name something may be said. In the oldest book relating to this country that I have in my possession—namely, *"L'Histoire de la Floride, par l'Inca Garcilasso de la Vega,* printed at Paris in 1670—the broad final "a" in all Indian names thus ending is represented by the final vowel "a" alone—as in *Chacta* for Choctaw, and so on. In later works the final "s" was added. This may have been done to indicate a graver accent of the vowel, or, what I think most likely, by the adding of the "s" to make up the plural in such phrases as *"Le pays des Arkansas"* and *"La Riviere des Arkansas."* In either case the effect would be the same, as the final "s" is silent in either event. After the cession by France, the question as to the final "s" semed to be still unsettled. Thus, in Nuttall's "Travels in Arkansas," in 1819, the name is spelled sometimes *Arkansas,* and sometimes *Arkansa.*

People are sometimes asked, if Arkansas is to be pronounced as if spelled *Arkansaw,* why Kansas should not receive a similar pronunciation. An attempt to reconcile all discrepancies of orthography and pronunciation would be manifestly hopeless; but in this case no particular difficulty exists. It is apparent that the sound of the original name of our State was that represented in English by the spelling *Arkansaw;* but that was not the sound of the Indian name *Kansas.* We have seen that in Joutel's Historical Journal, 1687, Arkansas is spelled *Accançeas.* In the same journal Kansas is spelled *Chanzes.* M. Perrin Du Lac travelled through Upper and Lower Louisiana in 1801, 1802, and 1803, and went home to France and published a book under the title *"Voyage dans les Deux Louisianes,"* at Lyons, in the year

of the Republic 12— that is, in the year of Christ, 1805. He was a man of standing and of literary accomplishments. His work was translated into German and published at Vienna. I believe it was never translated into English. In that work he spells Arkansas as it is spelled now; but he spelled Kansas, *Kances*. During his travels he visited the Arkansas Post, then occupied by the Spaniards, and also the Kansas Indians. It is clear, then, that the name *Kansas* is spelled in English, while the name *Arkansas* is of French orthography, and that the two names should not be pronounced alike.

The name consists of the sound. The use of letters is merely to represent that sound. The name is spoken many thousands of times where it is written but once. Spelling reformers propose to adapt the spelling as nearly as possible to the sound; but there is no one, so far as I have ever heard, who proposes to pronounce words just as they are spelled. If one should do this in our language he would not be understood. The *sound* was originally *Arkansaw*. The name of the State might be changed by simply changing the pronunciation without changing a letter of the written or printed word. In this, as elsewhere, I suppose, the matter must be governed by the *"uses et norma loquendi."* If there is a clear majority of well-informed and well-educated people who call Arkansas "Ar-*kan*-sas," then I presume that they might govern as long as they could keep in power; but I do not think that such a majority exists. Having lived in the State for over a quarter of a century, I can only give my opinion, as founded on observation, that at least four-fifths of the people pronounce the name just as it was pronounced by the Indians from whom it was derived, and not in a way they would never have understood. As for the relative euphony of the two names, that is a matter of taste, and so cannot be settled by any rules, I suppose. But I think that "Arkansàw" sounds better than "Arkánsas." Indeed, the latter pronunciation can have but little besides novelty to recommend it; whereas the older pronunciation has this at least in its favor, that it is the true original name. With its French spelling, the name tells the history of the country, which was at first an Indian country, and which name has come to us through the French.

My conclusion is that the name "Arkansas" should rhyme with Utah, Ottawa, Choctaw, Tensas, and the thousand and one other well-known Indian names, which by all their diversity of spelling the more effectually indicate the sound that was intended to be symbolized.

It would perhaps be more curious than profitable to inquire how the pronunciation "Ar-*kan*-sas"came into use. Like a thousand other corruptions it crept on obscurely, suggested or fostered to some extent, probably, by a finical spirit of over-refinement, and an affectation of superior elegance, helped onward also by highly respectable persons who were carried away by a false analogy, or by the force of evil example, until at present it makes such claims to propriety that certain learned lexicographers figure the pronunciation as "Ar-*kan*-sas, formerly Arkansaw." In all matters relating to ancient learning, respect is due to the erudition of such writers; but as in the case of individuals we defer to each one as to the proper sound of the name by which he is known in the world, so in the case of states and nations the people of whom they are made up must be permitted to fix the sound which shall stand for the name of their population, land, or race. This right is conceded even to the barbarous tribes living in the interior of Africa. In the present instance, as in many others of the kind that might be mentioned, the common people, instructed only by tradition, having no object in showing off any unusual nicety of language, are correct; while philologists, holding secluded sessions afar off, are easily captivated and misled by the first random traveller, who, being casually away from home, airs his mannerism by a fancied improvement in speech. It suffices to say that an immense majority of the people of the State—justified by every historical reason, as well as by the orthography of the name, regarded in the light of the language from which it is taken—call it "Arkansàs," and not "Ar-*kan*-sas," and that no valid or even plausible reason has ever been given, or can be given, for calling it by the latter name.

Respectfully,

U. M. ROSE.

To Joint Committee, Etc.

RECONSTRUCTION IN ARKANSAS COUNTY.

By William H. HalliBurton.[1]

After the re-establishment of civil government in this county, under the constitution of 1864, and the inauguration of the Murphy government, peace and good order prevailed throughout the country. The citizens, generally, returned to their homes and usual occupations. All seemed to accept and to recognize the results of the war that had raged in such fierce conflict for the past four years; all apparently resolved to build up and re-establish their homes and fortunes. Business in mercantile, agricultural, mechanical, professional, and other lines was being rapidly restored.

The courts, as heretofore stated, were established and the internal affairs of the county were provided for by courts created under the laws of the State (which had Federal recognition) and under the Federal laws directly. All the civil officers exercising jurisdiction or authority in this county at that time were either elected at the March (1864) election, or were apointed to their respective offices by Governor Murphy.

The circuit judge, prosecuting attorney, and clerk of the courts were elected in March, 1864. The other officers of the county were appointed and commissioned by Governor Murphy in the fall of 1865. These officers exercised the functions of their respective offices until August, 1866, when their successors were elected and qualified under the general election laws then in force.

At this election, the following were chosen: W. M. Galloway, of Pine Bluff, senator for the district composed of Arkansas, Desha, and Jefferson counties; Elisha G. Abbott, representative; Alfred H. Almon, county judge; Robert C. Martin, sheriff; William F. Gibson, clerk of the circuit court; Pleasant

[1]For sketch of author see Publications Ark. Hist. Ass'n., vol. I., p. 266—Editor.

G. Tyer, county treasurer; J. W. McKewen, coroner; A. G. Withers, surveyor; and J. M. Price, assessor.

This being the first election after the close of the war under the Murphy government, there was but little excitement in the public mind on the subject. All seemed anxious to elect men of intelligence and efficiency. There were no local or political issues involved. All of the officers elected were ex-Confederate soldiers or those in sympathy with them.

It may be said with propriety that there were few others in the county at that time eligible to office, who were competent to fill these positions of trust. The highest number of votes cast at this election was for sheriff, who received 569.

The predominant spirit may well be illustrated by the following incident growing out of this election: The contestants for the office of circuit clerk were Captain Wm. F. Gibson and Lieutenant Benjamin F. Quertermous, both ex-Confederate soldiers. Gibson was elected, and as soon as commissioned, he appointed Quertermous his deputy. Mr. Quertermous was retained in this position until the summer of 1867, when Mr. Gibson was removed from office by military authorities, under the reconstruction act of congress, to make room for a "carpet-bagger."

At the January term of the county court (1866), Watkins A. Davis, who had been appointed by Governor Murphy as assessor for Arkansas County, made a report of his assessment for the year 1865, which showed the aggregate value of taxable property to be $1,173,514. At this term of the court, a levy of one half of one per cent. was ordered for county purposes, also, an order allowing Mr. Davis the sum of $158.60 as fees due him for his services. (County Court Record "C" pp. 97-103). This was the first assessment under the Murphy government.

As commemorative of the incidents then transpiring in this county, I relate the following which occurred at the May term (1866) of circuit court, Judge Wm. M. Harrison, presiding. The incident is mentioned for a two fold purpose; first, to show the foreshadowing of military despotism; second, to memorialize

the patriotism and integrity of Judge Harrison in upholding the majesty of the civil law over that of the military.

A suit was pending in the court, with Charles W. Belknap as plaintiff and H. H. Hennant, of St. Charles, and W. S. Oliver, of Little Rock, as defendants. The late Chief Justice English, then a partner with Judge Wilshire (Oliver's attorney) appeared as counsel for Oliver. At the morning roll call for motions, etc., Judge English responded by asking privilege to make a statement, and it was granted him. He declared that he had recently become a partner with Judge Wilshire, Oliver's attorney, and was there to represent the defendant. That Judge Wilshire had obtained an order commanding the judge of the court to grant an order transferring the suit to the military authorities at Little Rock. After making this explanation, he asked Judge Harrison if a motion to that effect would be entertained if made. After thanking the attorney for the courtesies shown him in presenting the motion, Judge Harrison very promptly answered in the negative in terms that could not be easily misunderstood, saying: "Rather than entertain such a motion, I will adjourn my court. If that is not sufficient to prevent such an order being made of record in my court, I will resign my judgeship."

Judge English did not make the contemplated motion, but filed a preliminary one and obtained a continuance of the case. Oliver went into bankruptcy before the next term of court and Belknap ordered his suit dismissed. The writer was Belknap's attorney and present at the time, and can, with propriety, say: "All of which I saw and heard and part of which I was."

This was done more than a year after the surrender of General Lee, and the cessation of hostilities on the part of the Confederate States; and that, too, before a judge of known and acknowledged loyalty to the Union, who was elected under the constitution of 1864.

The reader will bear in mind that, under the constitution of 1864, the legislature of the State in April, 1865, by unanimous vote, ratified the thirteenth amendment to the Federal constitution. This action on the part of the State (recognized by the Federal authorities as necessary for the ratification of said

amendment), proclaimed to the world that Arkansas was at that time a State and a member of the Federal Union. But we are assured that, "Coming events cast their shadows before," so we may regard this action on the part of the military authorities as one of the dark shadows preceding the events of reconstruction.

That the reader of these pages may have some idea of the impoverished condition of the citizens at this time, your attention is called to the fact that two hundred and sixty-one taxpayers of the county were returned as delinquent in taxes for the year 1865, the amount due aggregating the sum of $1,143.10 (County Court Record "C," pp. 117-124).

During the war all postoffices and routes in the county were either abolished or abandoned and there were no postal facilities until late in the year 1866 when several postoffices were re-established, but no regular routes, nor were any contracts let for carrying the mails. The citizens were dependent upon such service as they could secure, and upon such as would carry the mail matter from the home offices to the regularly established postal lines operating on the Arkansas and White Rivers, and on the railroad between DeVall's Bluff and Little Rock.

1867.

In consequence of the short crop of 1866 and the impoverished condition of many of the citizens who were unable to plant and cultivate crops without pecuniary assistance, the county court, at the instance of many of the taxpayers of the county, granted the following order at the April term, 1867:

APPROPRIATION.

"Now, on this day, on motion and upon the representation of many citizens present in court, it is ordered that the sum of five thousand dollars be, and the same is hereby appropriated, for the purpose of purchasing corn for the use of those in need who will execute a deed of trust, or mortgage, on real estate, or a sufficient amount of personal property to secure the payment for the amount of corn received by them;

"And it is further ordered that John G. Quertermous be, and he is hereby appointed as a commissioner of this court, and that he enter into bond to the State of Arkansas for the use of Arkansas County in the sum of ten thousand dollars, conditioned according to law, with security to be approved by the county court, or the clerk, in vacation;

"And that the clerk of this court be, and he is hereby authorized upon the filing of the bond of said commissioner, to issue two thousand dollars

of said appropriation, and to deliver the same to said commissioner, and that he proceed immediately to negotiate for the purchase of as much corn as he can buy with that amount of scrip; and that he have three hundrel bushels of corn shipped to Arkansas Post, on the Arkansas River, and the balance of said purchase be shipped to Crockett's Bluff on the White River; and it is left to the discretion of the said commissioner to draw whatever other amounts remaining of said appropriation from time to time as he may find necessary to meet the wants of the people, to be expended in like manner. Said scrip to bear six per cent. interest from date until paid, and payable on the 1st day of January, A. D. 1868."

Commissioner Quertermous found a purchaser for the script in his hands in the person of the late James H. Lucas, a citizen and a native of St. Louis, Missouri, whose name recalls incidents in his life that would "Point a moral and adorn a tale."

After Lucas had furnished Commissioner Quertermous the means with which to purchase the corn he was directed to buy, and upon learning from Quertermous, who was acquainted with the citizens of Arkansas Post and vicinity, that certain of the older residents were still living, and that they and their neighbors generally were impoverished by the results of the war, he ordered a shipment of three hundred dollars worth of supplies to be forwarded them at his expense. In addition to this, he donated a large portion of the county script purchased from Quertermous, to Mrs. Morton, a granddaughter of Frederick Notrebe. These acts of kindness from Mr. Lucas were prompted by recollections of the kindness and liberality shown him in former days by the citizens of Arkansas County, and by Mr. Notrebe, grandfather of Mrs. Morton. Mr. Lucas resided at the Post for a number of years, married there in 1832 to Miss Emilie Derrescaup, and from 1833 to 1835 he was county and probate judge. The generosity of Mr. Lucas is a striking illustration of the maxim; "Kindness never goes unrewarded," for, after a period of more than thirty years, he repays the friendship shown him with compound interest.

The appropriation by the county court mentioned, was a great relief and all who received a benefit promptly paid their indebtedness at maturity; thus enabling the county to redeem the script at maturity.

Returning the narrative to the events that foreshadow reconstruction, the reader's attention is directed to the first act of congress regarding reconstruction, passed, March 2, 1867.

By the provision of the second section of this act the President was required to appoint a military commander for this district to detail military force sufficient to compel an observance of his authority in the district; the third section declared:

"It shall be the duty of each officer assigned as aforesaid, to protect all persons in their rights of person and property; to suppress insurrections, disorder and violence; and to punish, or cause to be punished, all disturbances of public peace, and criminals; and to this end he may allow local civil tribunals to take jurisdiction of, and try, offenders; or, when, in his judgment, it may be necessary, he shall have power to organize military commissions, or tribunals, for that purpose; and all interference under color of state institutions, with exercise of military authority under this act shall be null and void."

The reader is asked to note how completely the civil was subordinated to the military authority. This military authority dominated all the proceedings of the reconstruction in this county from start to finish.

Under the reconstruction act, the commanding general of this district issued his general order No. 31, September 26, 1867, entitled: "Qualification of electors, and appointment of delegates to represent each county in the convention ordered to be convened to formulate a new constitution for the State." The eleventh section of that order designated the number of delegates from the State as seventy-five, and from Arkansas County, two. This convention was to meet in Little Rock at the state capitol on the first Tuesday in November, 1867.

The active movements by friends of reconstruction, during the time intervening between the passage of the reconstruction acts and the meeting of the constitutional convention, show plainly the events foreshadowing reconstruction. Among the first of these, was the calling of a union state convention to meet in Little Rock, April 4, 1867. Arkansas County was represented there by John McClure, Dr. A. Rice, A. D. Sheets, Thomas Quinn, and C. M. Burns. Influenced by the spirit of militarism, among the first motions offered was one by John McClure, that they confer with General Ord, then in command at Little Rock, regarding the qualifications of voters. On the second day of the convention, Mr. Redman of Pulaski County offered the following resolution, viz:

"Resolved, that this convention asks all citizens of the State who have been identified with the late rebellion, and who heartily and in good faith

acquiesce in the reconstruction measures of congress and have wholly renounced the detestable theories of secession and state sovereignty as opposed to national union, to join us in our deliberations to harmonize the political conditions of the State.

"Resolved, that the Union men in Arkansas, in convention assembled, declare and announce to those who have been engaged in the late rebellion and who do not politically agree with us, that we desire no proscriptions, no confiscation, no laws that interfere with any of their rights to life, liberty, or property; that, we desire to enhance the prosperity and happiness of every citizen of the State, and to procure unity of feeling, and, as soon as possible consistent with the safety of the Union men; we wish to obliterate the use of the words 'Traitor' and 'Rebellion,' in this State."

These resolutions showed a disposition on the part of the mover to bring about reconciliation and restore the harmony once existing in the minds of the discordant elements of the country. But this disposition was not in accord with congressional reconstruction and, of course, met prompt and strong opposition. Among others, John McClure, the leading delegate from Arkansas County, is quoted as saying: "I am opposed to that part of the resolution which declares there shall be no confiscations, etc, etc." Meeting with so much opposition, Mr. Redman consented to withdraw his resolutions. This action of the convention regarding these resolutions is sufficient index to the sentiments of the Union Loyal Republicans at that time.[2]

As we are now about to enter the period of active reconstruction in Arkansas County, the leading incidents will be given as a rule, by copying, or by referring to date, page, etc., of the journal of the convention, to legislative acts, orders of court, and military authorities.

On the 5th day of July, 1867, Governor Isaac Murphy issued a commission to Mr. Joseph Maxwell, as follows:

THE STATE OF ARKANSAS.

To all whom These Presents shall come, Greeting:

Know ye, that in accordance with instructions from Brevet Major General E. O. C. Ord, commanding the fourth Military District, composed of Mississippi and Arkansas, Joseph H. Maxwell is hereby appointed internal improvement commissioner, in and for, Arkansas County in the State of Arkansas, therefore, I, Isaac Murphy, Governor of the State of Arkansas, by virtue of the authority in me vested by the constitution and laws of said State, and instructions as aforesaid, do hereby commission him, the said Joseph H. Maxwell, internal improvement com-

[2]Arkansas Daily Gazette, April 4th and 5th, 1867.

missioner in and for the county aforesaid, for and during the term provided by the laws of the State.

He, the said Joseph H. Maxwell, is, therefore, hereby authorized and required to do and perform, all, and singular, the duties incumbent on him as such internal improvement commissioner in and for the county aforesaid, according to law and the trust reposed in him.

In testimony whereof, I have hereunto set my hand and caused the seal of the State of Arkansas to be affixed at Little Rock, the fifth day of July, in the year of our Lord, one thousand eight hundred and sixty-seven.

(Signed) ISAAC MURPHY.

By the Governor,
(L. S.) ROBERT J. T. WHITE,
Secretary of State.

Headquarters of 4th Military District.

VICKSBURG, MISS., July 11th, 1867.

Approved and confirmed by command of Brev't. Maj. Gen'l.,
E. O. C. ORD,
D. BARIN, Bvt. Maj. Gen'l.
U. S. A., Act. Inspector Gen'l.

The foregoing commission was copied by the writer from the original found on file in the clerk's office of Arkansas County, and is referred to as evidence of the manner in which offices were dispensed in the county by the military authorities on the eve of reconstruction, and as the probable means used to remove Captain William F. Gibson from the office of clerk, and the appointing of his successor. It will be remembered that at the general election in August, 1866, Captain Gibson was chosen to be circuit clerk, and under the civil law then in force, he was commissioned by Governor Murphy, and entered upon the duties of his office about the 30th of October of that year. He continued in that office, to the satisfaction of the public, until sometime between the 10th and 18th day of October, 1867, when he was summarily ousted by a military order commanding him to surrender his office with the records and files therein to Edmund R. Wiley, late colonel commanding a regiment of colored soldiers in the United States army.

The date of Wiley's commission is not known, as no record or file of such has been found in the clerk's office. Circuit court record "F" p. 1., shows that Wiley was present and acting as clerk of the court on the 4th day of November, 1867. At this term of the court, Judge Harrison granted a certificate of allowance to Wiley for ex-officio service during the court, for the

sum of $31.25, on this certificate of the county court.[3] The reader's attention is called to this allowance for the purpose of exhibiting the difference between the ruling, or orders, of a non-reconstruction and a reconstruction judge in this: At the November Term, 1868, Judge Morse, the reconstruction judge, allowed Wiley the amount of $210.15. At the November Term, 1867, Judge Harrison, the non-reconstruction judge, allowed him $31.25, showing a difference of $178.90. Further on in these pages, other like differences will be shown to exhibit the contrast in allowances before and after the inauguration of reconstruction.

At this point of our narrative, another dark shadow of the coming events of reconstruction crosses our pathway as shown by the following order, made by the county court at the October term, 1867, viz:

"Settlement with D. S. Cannon, late common school commissioner. Now on this day, comes before the court said Daniel S. Cannon, late common school commissioner, and presents his accounts with the receipt of Edward Johnson, successor in office, for the bonds and notes for the money due the school fund, which account being audited and examined by the court, and the sum of four hundred and sixty-seven dollars and seventy-nine cents being found to be due said D. S. Cannon, it is ordered that Edward Johnson, common school commissioner, pay over to said D. S. Cannon the said sum of four hundred and sixty-seven dollars and 79-100, and that the clerk settle and balance the account of the said D. S. Cannon, late school commissioner."[4]

At the January Term, 1868, of the county court, the following order was made, to-wit:

"Daniel S. Cannon, as late school commissioner in and for said county: Now on this day the court having been called to the attention of General Order No. 13, issued from headquarters Fourth Military District, dated October 29, 1867, it is ordered that the order heretofore made in relation to the settlement in his behalf at the last term hereof requiring Edward Johnson, school commissioner in and for said county, to pay the said Daniel S. Cannon the sum of four hundred and sixty-seven dollars and seventy-nine cents be, and the same is hereby revoked and set aside in pursuance to the requirements of said Order No. 13."[5]

Edward Johnson, at whose instance and for whose benefit order No. 13 was granted, in current phrase of the time, was a "scalawag" from Mississippi, who came to DeWitt in 1860, was

[3]County Court Record "C," p. 273.

[4]County Court Record "C," p. 279.

[5]Ib. p. 290.

a good "secesh" during the war, and a loyal Union Republican during the days of reconstruction.

By provision of section 1 of an act of Congress, passed the 23d day of March, 1867, it was ordered that before the 1st day of September, 1867, the commanding general should cause a registration to be made of the male citizens of each county in the State, and under the provisions and in obedience to command thereof, O. D. Green, assistant adjutant general, on the 13th of May, 1867, issued a memorandum of instruction the fourth section prescribing the qualifications of voters thus:

"Any person who has held an office under the general government prior to entering upon the duties of which he was requested to take an oath of allegiance to the United States, and who afterwards engaged in and gave aid and comfort in the rebellion, or secession, is disqualified as a voter. Any person who has held an executive or judicial office under the state government, and who afterwards engaged in or voluntarily aided rebellion or secession, is disqualified to vote."

Acting assistant adjutant general, under the provision of the reconstruction act and military orders, reported the following named persons as registrars for Arkansas County: G. M. French, John McClure, and Andrew Rice. The first two named were "carpet-baggers," the other was an old citizen of the State, but of recent citizenship in Arkansas County.

The abstract of the returns of voters in Arkansas County as shown on page 769 of the Journal of the Constitutional Convention, were 498 white and 1,030 colored, an aggregate of 1,528 voters. The reader's attention is again called to the workings of reconstruction by showing the effects on the elective franchise as will be seen by reference to the vote at the general election in August, 1866, when the greatest number of votes cast for any office was 569. These were all white voters, qualified under the laws then in force in the State; however, the above abstract shows an increase of 959 votes in one year, and a decrease of 71 white votes. The number of disfranchised citizens is not given, except what is shown above.

Section 7 of General Green's order of the 13th of May, 1867, says: "Registrars will not be permitted to become candidates for election to the convention for framing the constitution of the State." Notwithstanding this prohibition, John McClure

was voted for and returned as one of the delegates from Arkansas County to that convention.

On the 26th of September, 1867, General Green issued his order No. 31, in which an election was ordered to be held: "For the purpose of establishing a constitution and civil government for the states loyal to the Union, etc, etc." Each ballot should have written or printed upon it, "For Constitution," or "Against Constitution," and also the correct name, or names, of the delegate or delegates voted for. Said election to be held on the first Tuesday in November, 1867.[6]

One of the peculiarities of the elections in these days was their indefinite duration, as shown by order No. 31, thus:

"Commencing on the first Tuesday in November next and continuing as hereinafter prescribed." This election was held at the time and in the manner prescribed, at which time John McClure, of Ohio, and John H. Hutchinson, of Canada, were returned as delegates from Arkansas County.

The registered votes of Arkansas County, as before stated, were 1,528, of this number, 1,030 were colored and 498 were white. At the election held in November, 927 were for constitution and 109 against, while 492 of the registered voters did not vote at all.

After receiving the returns of the election from several counties in the State, General Green, by general order No. 37, dated, December the 5th, 1867, designated: "The hall of the house of representatives in the state house in Little Rock, Arkansas, at 11 o'clock A. M. Tuesday the seventh day of January, 1868, as the place and time for the assembly of the convention for the State of Arkansas." In obedience to said order, the delegates appeared at the time and place designated, and upon the roll call, McClure and Hutchinson from Arkansas County were present.

As to the proceedings of the convention, little now can be said except as to votes and speeches of the delegates from this county.

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[6]Journal of Constitutional Convention, p. 27.

1868.

Pending the proceedings of the convention, on the 1st day of February, 1868, delegate McClure offered the following resolution:

"Resolved, that the committee on the constitution, its arrangement and phraseology, be, and they are hereby instructed to report an article to the constitution, disfranchising all persons who oppose reconstruction, and that the act of voting against the adoption of the constitution, shall be conclusive evidence of the fact of such opposition."[7]

On the fifth day of February, 1868, delegate McClure, as chairman of the committee on penitentiary, submitted a report on the subject of the contract between the State of Arkansas and Hodges, Peay, and Ayliff, which had been made between these parties in February, 1867, for the term of fifteen years, holding that said contract was binding as between lessees and the State. Thus virtually confessing that in February, 1867, the State of Arkansas was a state legally existing under the constitution of 1864, and laws made in accordance therewith, and as such, capable of entering into a legal contract.

In order that the public might know the committee's appreciation of the Murphy legislature, it preferred the following charges against it:

"1st. That it spent $10,000 in drunkenness and debauchery with Andrew Johnson;

2d. That they attempted to legalize Confederate money;

3d. That they squandered $269,000 in money belonging to the State in extravagant and lascivious manner; and,

6th. That General Ord forbade them assembling, thereby saving the State an unknown amount of money."[8]

This extract is made from the proceedings of the convention for two purposes: First, to show the light in which the committee viewed the members of the legislature of 1867; and, Second, to show how unjust were the charges of drunkenness, debauchery, and lasciviousness made against the members of the legislature consisting of such men as Turner, Cravens, Lyle, Grant, Gantt, Galloway, Reynolds, Hunter, Fellows, and Smith, in the senate; and in the house, Abbott, Sorrell, Bunch, Berry, Fletcher, Weatherford, Eakin, Kelly, Gause, Hughes,

[7]Journal of Convention, p. 452.

[8]Ib. 478.

Newton, and Farrell. All of these men are personally or by reputation, known to the writer, to be men of unimpeachable character, of recognized ability, and of moral worth.

Another object in making the foregoing, as well as following, extracts from the proceedings of the convention, is to draw a contrast between their expressions and actions on the subject of economy.

It will be seen by reference to the third charge in the foregoing report, that the legislature in 1867, squandered $269,000 of the State's money, that no facts are referred to, or evidence presented, to support this charge. One would suppose that conscientious, economical, and intelligent men, in view of the impoverished citizen taxpayers of the county, would, when voting their pay, act in a spirit of liberality. But what are the facts? Referring to page 822 of the Journal of the convention, we find the following ordinance:

"Be it ordained by the people of Arkansas in convention assembled,

First, That the compensation of the members of this convention shall be eight dollars per diem during the actual sitting of the convention, and the same amount 'per diem' for each day's travel in going to and returning from the said convention, estimating thirty miles to be a day's travel, and in computing the same by the nearest and most practicable route furnished; public transportation; also mileage each way at the rate of twenty cents per mile by the same route."

Under the provisions of this ordinance, the delegates from Arkansas County received the following sums as shown by the certificates below:

STATE OF ARKANSAS,
CITY OF LITTLE ROCK.

I, Avery E. Moore, Auditor of State, hereby certify that the original voucher on file in this office shows that J. H. Hutchinson received and receipted for the following mileage and per diem as a delegate to the constitutional convention of 1868, towit:

Services as delegate, 39 days at $8.00 per day.....$312.00
400 miles travel, going and returning, at 20c per mile..... 80.00
Thirteen and 33-100 days service for each thirty miles at $8.00 per day 106.64

Witness my hand and seal the 10th day of May, 1907.

AVERY E. MOORE,
State Auditor.

STATE OF ARKANSAS,
CITY OF LITTLE ROCK.

I, Avery E. Moore, Auditor of State, hereby certify that the original voucher on file in this office shows that John McClure received and receipted for the following mileage and per diem as a delegate to the constitutional convention of 1868, towit:

Services as delegate, 39 days at $8.00 per day	$312.00
300 miles of travel, going and returning, at 20c a mile	60.00
Nine and 99-100 days' service for each thirty miles of travel at $8.00 per day	79.92

Witness my hand and seal the 10th day of May, 1907.

AVERY E. MOORE,
State Auditor.

Thus it will be seen that the delegates from Arkansas County received the sum of three hundred and twenty-six dollars and fifty-six cents, for traveling expenses from their respective homes to Little Rock and return. Hutchinson's home was about one hundred and McClure's was about seventy-five miles by land from Little Rock.

Before closing our references to the proceedings of the constitutional convention, I wish to call the reader's attention to a few more of delegate McClure's declarations, showing his opinions of the character of the citizens of Arkansas. In his report on the finances of the State, referring to the action of the state authorities, he says:

"A system of financing, known only to thieves and robbers without conscience, prevailed to such an extent that their operations now cost the State the neat little sum of $5,104,606.16.

"Not content with impoverishing the State, desolating the country, and causing mourning at every hearthstone, we find these self same men arrayed in hostility to the present reconstruction measures, hoping thereby to hide from public gaze and investigation the plunder and theft of thirty years."[9]

In support of this report he said:

"I observe that in this convention every reference to these and some kindred facts seems to touch upon a tender spot with some individuals; and every time we touch a tender spot, it winces. I say sir, that no State in the Union ever permitted, that the citizens of no State ever were subjected to debauchery and corruption on the part of its public officers, as the State of Arkansas. So far as the State is concerned, she stands head in the history of crime."[10]

The foregoing extracts will give the reader an idea of delegate McClure's opinion of the citizens of the State of Arkan-

[9]Ib. 486.

[10]Ib. 543.

sas. He had opinions, and the courage to express them. It will be observed that little has been written in these pages referring to delegate Hutchinson. The reason is that but few of his remarks are reported in the journal of proceedings, and, as a rule, that little is not offensive, nor in a spirit of condemnation toward the citizens of Arkansas.

By an ordinance of the convention, the counties of Arkansas and Prairie were designated as the 12th district entitled to one senator and four representatives, and by the provision of section 1 of the schedule, an election was ordered to be held on the 13th day of March, 1868, and such other days as were necessary, for the purpose of choosing all elective officers and of submitting the constitution to the people for their adoption or rejection. It also appointed a board of commissioners empowered to appoint suitable persons to hold the election, and report the result thereof to the board. The number of registered voters under the provisions of the schedule authorized to vote in this election was 1,826. Of this number, 1,233 voted for, and 169 against, the adoption of the constitution.

At this election the following named parties were candidates for the various offices named, as appears from a printed copy of the Republican State ticket, now before me to-wit:

District Officers, etc.:

For state senate, 12th district—John H. Hutchinson.
For representative, 12th district—George French, Wm. S. McCullough, Isaac Ayis, and Thos. M. Gibson.

County Officers:

Sheriff—Joseph H. Maxwell.
County clerk—Edmund R. Wiley.
County and probate judge—Thomas P. Morrison.
County treasurer—Michael Holt.
County surveyor—Buford C. Hubbard.
County school commissioner—Edward A. Douglass.
Internal improvement commissioner—Albert Maxwell.
County coroner—Isaac Chesher.
County assessor—John P. Hubbard.

All of these were returned as elected to the office for which they aspired. As the returns of this election were made directly to the board of commissioners, no particulars of the votes for each candidate can be given. At this election, John McClure was elected associate judge of the supreme court.

The reader will observe by reference to the county ticket, as reported above, the office of county and probate judge was regarded as a county office, and that Thomas P. Morrison was elected to that office. It will also be observed by reference to sections 52 and 53 of an act of the general assembly, approved July 23, 1868, that the legislature, as well as the governor, at that time regarded the office as elective by the people, and a county office. Section 52 says:

"It shall be the duty of the secretary of state, in the presence of the governor, within thirty days after the time herein allowed to make returns of the election to the clerks of the county court, or sooner, if all the returns shall have been received from any one judicial circuit, to cast up and arrange the votes from the several counties from which returns shall have been received for each person voted for as county and probate judge, as judge of the circuit court, and as prosecuting attorney, when such judge and prosecuting attorney shall be by law made elective, and such persons as shall have received the highest number of votes for either of said offices within his respective county, or district, shall immediately be commissioned by the governor."

Section 53 had reference also to contested elections, or where there was a failure to elect.

During the summer of 1868, Hubbard, who was at that time a resident of the town of DeWitt, and who had been elected county surveyor at the March election, and as current rumor at that time reported, had grown weary waiting for his commission as surveyor, went in person to Little Rock to obtain the same. Upon his return, instead of qualifying as county surveyor, he exhibited a commission from the governor, and was sworn in under that commission, as county and probate judge of the county, and the rumor, true or otherwise, it is a fact that on the 3d day of August, 1868, his name appears of record as such a judge, for, on that day, he caused the county court to be opened,—he presiding as judge.[11] He held this office and executed the function of same until the county court and the office of county judge were abolished by an act of the general assembly, April 3, 1873, as shown by section 29 of that act creating the board of supervisors. It will thus be seen that all the legal machinery of the county was in the hands and under the control of the reconstruction officials.

[11]County Court Record "C", p. 359.

Among the first of their acts in reference to the internal affairs of the county, was the reconstruction of the boundaries and changing the names of civil townships. This was done at a special term of the county court in August, 1868.

Section 6 of an act providing for the registering of voters, approved July 15, 1868, says:

"The governor shall cause to be prepared the form of books and certificates for the registration of voters on or before the first day of September, 1868, and shall cause copies of such books to be deposited with each clerk of the county court. The clerk of the county court shall deliver to the president of the board of registrars a sufficient number of books and certificates for the registration of all the voters in each precinct, district, or ward."

Under this authority, the governor sent out the following instruction to registrars, signed and sealed, as the same now appears on file in the office of clerk of Arkansas County:

"The attention of registrars is respectfully called to the following synopsis of their duties and powers. To give notice of the time and place you will register ten days before registration by three handbills posted in public places. (Section of Reg. Laws.)

To take the oath of franchise and office before entering upon the duties of registrar. (Sec. 4.)

To register the qualified voters in the precincts, districts, or wards, certified to by the clerks of the county courts. (Secs. 5 and 7.)

To write the name of the person so registering. (Sec. 8.)

To examine, under oath, the party applying for registration before registering his name, and ascertaining whether he has been guilty of any of the acts specified in the constitution as causes of disqualifications, 1st, whether he took the oath of allegiance to the United States or gave bonds for loyalty and good behavior during the late rebellion and afterward gave comfort and aid to rebels, either by becoming a soldier in the rebel army, or by voluntarily giving aid and comfort, or countenance to the rebels, either by becoming a soldier in the rebel army or by accompanying any armed rebels whether belonging to their command or not; or, by giving aid and comfort in voluntarily entering the rebel lines after taking the oath of allegiance to the United States; or, by adhering to the rebellion in any way; or, by furnishing any supplies of any kind whatever to the rebels.

By section 11 of the registration act, the person applying for registration must, if he has ever taken oath of allegiance, show that he has not done any of these acts, (and his own oath is not sufficient evidence to show the fact, if the registrar desires other proof,) before he can be allowed to register. In short, he must show that after he took the oath of allegiance, he did not join the rebels; did not go with them voluntarily at any time; did not go into their lines; did not sympathize with, support, or encourage them; did not furnish them any supplies of any description whatever; or, in other words, he had, ever since he took the oath of allegiance, been a true, faithful, and zealous supporter of the United States government.

If the applicant fails to establish these facts, he cannot register, his oath to the contrary notwithstanding. Provided, however, if he can show that he voted for the constitution at the late election, he can vote. This proviso is applicable to the next two clauses. (Sec 3, Art. 8,—State Constitution.)

Second, Whether he was disqualified in the state from whence he came as an elector or from holding office? If so, he cannot register.

Third, Whether he did during the late rebellion violate the rules of civil warfare? If so, he cannot register.

Fourth, Whether he is disqualified by article 14, of the constitution of the United States, which has been ratified and proclaimed as a part of the constitution of the United States, and is now in full force.

Fifth, Whether he was disqualified by the last registration? If so, he must be rejected.

Many persons voted, or were allowed to register, at the last registration who were disqualified under the 14th article of the amendment to the constitution of the United States, and by the registration acts. They should be rejected. To register any one who has taken the franchise oath, if the registrar is satisfied or thinks he ought to be registered. (Sec. 9, Reg. Law.)

To sit with other registrars as a board of review six secular days next preceding the tenth day before each general election. (Sec. 12.)

To make out and certify two copies of each election precinct, to deposit one with the clerk of the county, the other with one of the judges of the election; to deposit with the clerk as soon as possible, the original book. (Sec. 13.)

To appoint, while registering, three qualified electors as judges of election in each precinct, and notify them of their appointment. (Sec. 19.)

All evidence of any person offering or threatening violence to any person engaged in registering, or to any voter, etc., the names of the parties and witnesses should be carefully noted and one copy sent to the prosecuting attorney of the court, and one copy to the governor. (Sec. 19.)

POWERS OF REGISTRARS.

To administer oaths in regard to registration.

To administer oaths to parties coming before them as witnesses.

To examine every person who applies to register, to learn whether he is entitled to register.

To reject anyone he may think is not entitled to register, although the applicant has already taken the oath.

The power of the circuit court for the preservation of order at and around the place of registration.

To issue subpoenas and commitments.

In all cases where registrars are illegally hindered or obstructed in the performance of their duties, or have reason to believe that it will be dangerous to proceed with registration in any locality without the presence of a posse, or military force, they are hereby authorized to call upon the sheriff of the county for a sufficient number of armed men to act as a posse to protect them in the performance of their duties. In case the sheriff fails to furnish said men, the registrars are then authorized to call upon the commanding officer of any troop, company, or detachment of state guards who is hereby authorized and directed to

furnish promptly the required number of men. In such cases they are required to report promptly, all the facts to this office.

(Signed) POWELL CLAYTON,
Governor of Arkansas.

The closing paragraph of the foregoing instructions shows the dominant spirit ruling reconstruction; that is, to resort to the military power of the State to compel obedience to their dictation.

Under these instructions, the registrars appointed under the election laws of 1868 caused the registration of the voters of this county to be made, commencing on the 11th day of September, and closing on the 15th day of October, 1868, and filed their report in the clerk's office in Arkansas County the 31st day of October, 1868. By this report, it appears that there were 1,618 registered voters in the county, 969 of whom were illiterate and unable to write their names.

Returning to a narrative of events transpiring in the county, I desire to call attention to the doings of our new county judge, Mr. Hubbard; who, by way of introduction, was a native of Kentucky, a practicing physician, the soul of hospitality and good neighborship, but a devout worshiper at the shrine of "Mammon," and a lover of "The mighty dollar." He saw a prospect of increasing his store by adding the salary of county judge to the fees of a physician, as will fully appear by following him through his career as judge. Among the first of his acts as county judge, is the following order, granted at the January term, 1869:

SUPPORT OF PAUPERS.

Now, on this day, on motion, it is ordered that Robert C. Cheny be and he is hereby appointed as commissioner to advertise and let out the keeping of the paupers of Arkansas County for the year 1869, on the 25th day of January, A. D. 1869, and that at the same time medical attention for the year 1869, be let by said commissioner to the lowest bidder.[12]

On Saturday, the 9th day of the same month, the following order was granted:

MEDICAL ATTENTION TO PAUPERS.

Now, on this day, on motion, it is ordered that so much of an order of this court of January 7th, 1869, as requires the medical attendance

[12]County Court Record "C", p. 379.

upon the paupers of Arkansas County to be let out to the lowest bidder for the year A. D. 1869, be and the same is hereby revoked and annulled.[13]

At the April term, 1869, this order was granted, to-wit:

EMPLOYMENT OF COUNTY PHYSICIAN.

Now, on this day, on motion, it was ordered that Buford C. Hubbard, M. D., be and he is hereby appointed county physician to attend the paupers in the poorhouse and furnish them all necessary medicines and medical attention during the year 1869, also, all pauper practice outside the poorhouse in the vicinity of his residence, and that he be allowed for such service the salary of four hundred dollars per year.

Whereupon, comes said B. C. Hubbard, M. D., and accepts such appointment upon the terms proposed, and takes in open court the oath of office prescribed by law, which is administered by Fred K. Lyman, Esq., a member hereof.[14]

At this term of the court, and before the granting of the above order, Hubbard presented two claims for medical attention to paupers, one for twenty dollars, and the other for twelve. Both of these were allowed and ordered paid.[15]

At the time of Hubbard's appointment to the judgeship, the salary was five hundred dollars per annum, but by an act of the legislature approved the 12th of April, 1869, it was raised to one thousand dollars, and by another act, March 27, 1871, it was increased to twelve hundred. This salary was continued until the court was abolished.

At the April term, 1869, John P. Hubbard, a brother of Judge Hubbard, was allowed one hundred dollars for "Services of self and horse, as coroner, in posting notices for registration in September and October of the previous year." The reader will bear in mind that at the March, 1868, election, Isaac F. Chesher was elected coroner, and John P. Hubbard assessor, the latter qualifying as such as will more fully appear later.

At the March term, 1869, of the county court, it being the time appointed for filing and adjusting the assessment list for the year 1868; which, when filed, showed an aggregate of $1,167,000.16 of taxable property in the county.[16]

[13]Ib., 385.
[14]Ib., 420.
[15]Ib., 404.
[16]Ib., 391.

On this assessment, the county court on the 7th day of April, 1869, allowed Jno. P. Hubbard the sum of $783.05 fees as assessor.[17]

And here again is another object lesson presented to the reader, showing the contrast between this allowance to Hubbard and the one previously allowed to Price, for the year 1867. Price's assessment showed $1,700,326.00.[18] On this assessment the county court allowed Price $435.42.[19]

This contrast is plainly shown by the figures as stated below:

Price's assessment	$ 1,773,326	
Hubbard's assessment	1,194,467	
Excess of Price's assessment ....$	578,859	
Fees paid Hubbard		$ 783.05
Fees paid Price		435.42
Excess of fees paid Hubbard		$ 347.63

And this is not all; the county clerk in issuing script issued and delivered to him the sum of $883.05.[20]

In this connection, I desire to call the reader's attention to the fact that James M. Price, the regularly elected assessor, made and filed assessment of taxable property in the county for the year, 1868; that the same had been adjusted by the county court, and the rate of taxes levied at the April term, 1868,[21] that these proceedings were ignored by the reconstruction authorities; or, in the language of the legislature, (July 23, 1868) "Said assessment is held for naught." A subsequent session however ordered the payment of the fees due.

On the 12th of April, 1869, the legislature passed an act fixing the salaries of the probate judges and by section 2, authorized: "The county court of the several counties in the State

[17]Ib., 412.
[18]Ibid., 184.
[19]Ib., 203 and 312.
[20]Scrip Book "H", p. 65.
[21]County Court Record No. 2, "C", Page 330.

to determine the pay of the associate justices for their respective counties."

Under the provisions of this act, the county court of Arkansas County passed the following order at the October term, 1869, to-wit:

SALARY OF ASSOCIATE JUSTICE.

Now, on this day, on motion, it is ordered that the salary of associate justices of this county, be, and the same is hereby affixed and established at the rate of $300 per annum for the year 1869.[22]

Under this order, the sum of $230 was allowed Edward Johnson as balance due him for the first, second, third and fourth terms of said court, ending in October, 1869; and Richard K. Gamble was allowed $150 for two quarters ending with the October term, 1869.

The reader's attention is especially called to the fact that the act of the legislature, empowering the county court to fix the salaries of the associate justices for the county, was approved, April 12, 1869; that the January term of the county court had passed, and also the April term which lasted from the 5th to the 8th, and on this latter day, the court adjourned until the 14th of April; that Johnson was not present during the January term, but was present two days in March. These facts are taken from the county court record now before me. Johnson received for his services, as a salary, $350 at the October term, 1870.[23]

To meet the extravagant appropriations, it was necessary to have revenue. The statements following will show the means resorted to to obtain this. Section 84 of an act to assess and collect taxes and for other purposes, approved July 23, 1868, reads:

"The county court shall levy the amount of taxes necessary for the current expenses of the county for the year; but not to exceed one and one-half per cent. upon the appraised value of taxable property of the county."[24]

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[22]County Court Record No. 2, "C", p. 70.
[23]County Court Record No. 2, "C", p. 261.
[24]Acts 1868, p. 284.

Under this law, the county court of Arkansas County passed the following order on the 10th of September, 1869:

> Levying of taxes for county purposes for the year, 1869.
>
> And now here it is ordered by the court, that there be levied for all county purposes, a tax of three per cent upon each one hundred dollars ($100) of the valuation of all taxable property, real and personal, in the county of Arkansas, as returned and equalized for the year 1869.[25]

To prevent the collection of this unlawful tax, certain taxpayers in the county caused proceedings to be instituted on the chancery side of the circuit court before Judge Morse, to restrain the collector from collecting this tax. The hearing was had at the October term, 1869, and the court dismissed the suit at the cost of the applicants, on the ground that the parties' remedy was on appeal from the order of the county court.

At the hearing of this cause, John A. Williams, associate county attorney, assisted in the defense and support of the unlawful tax, and received for his services, by order of the chancellor, a fee of $50.00, to be paid out of the county revenue.[26]

Before closing the references to these events, I will direct the reader's attention to another object lesson by exhibiting the contrast between certain salaries of 1869 and those of later date for the same purpose.

The constitutional convention of 1868 created the office of superintendent of public instruction, and his salary was fixed by an act of the legislature, passed July 23, 1868, at $3,500 per annum. By another act of the same legislature, passed July 23, '68, the office of circuit superintendent of public instruction was created, to be filled by appointment of the governor, and the salary fixed at $3,000. The state was divided into ten circuits, thus making eleven offices created by the constitution and the legislature of 1868. Contrasted with this, we now have one superintendent of public instruction whose salary is $2,500 per annum.

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[25]Ib., p. 50.

[26]Ib., 146.

Table of Contrast.

1868.		
Superintendent of instruction	$ 3,500.00	
Ten circuit superintendents	30,000.00	
Total	$33,500.00	$33,500.00
1908.		
Under the laws of 1875,		
One superintendent	$ 2,500.00	
Total	$ 2,500.00	$ 2,500.00
Difference in favor of the present law..		$31,000.00

The attention is called to this from the fact that John H. Hutchinson was one of the delegates from this county to the constitutional convention, the first senator from this district to the legislature, and was one of the circuit superintendents of education, having resigned his seat in the senate to accept this office.

As senator, he was supposed to represent the wishes of his constituents. He was at that time a respected citizen of Arkansas County, a highly respected physician, and a leading, loyal Union Republican or reconstructionist. He remained a citizen of this county until his death. After Hubbard's appointment to the judgeship of Arkansas County he moved from DeWitt to Silver Lake township, south of the Arkansas River where he remained until that township was detached from Arkansas and added to Lincoln County. He returned to DeWitt before the new county was organized, thus retaining his citizenship in Arkansas County and his office as county judge. But he lost none of his power as a leader of the reconstructionists as will hereafter be seen.

1870.

Pursuing our investigation of the actions and doings of the reconstructionists within Arkansas County, we find that the county court granted Mr. E. R. Wiley $513.10 for his services

as clerk of the court, from 5th of April to the 6th of July of 1870. This allowance was made at the July term, 1870, and for future reference, it is itemized as follows:

Settling with the sheriff, ten days, @ $5.00 per day	$ 50.00
Two boxes of matches	.30
Recording thirty-three orders of board of equalization at 25c. each	8.25
16 days attending equalization board, @ $5.00	80.00
Copying delinquent tax list for auditor	87.00
Issuing 133 warrants, from No. 290 to 424	33.25
Filing 1,190 pieces of cancelled warrants at 10c[27]	119.00

There are several facts connected with this exhibit to which the attention should be directed. First, the number of days and fees per day, for settling with the sheriff. Second, the nmber of days, and the fees for attending the equalization board. Third, his calling attention to the issuance of warrants by referring to their numbers, "290 to 424." Fourth, the number of warrants filed. Under the law, as it now exists, twelve dollars is the maximum that a clerk may charge for settling with the sheriff. Under the law in force at that time, the clerk was allowed 25c for entering an order of allowance, and issuing a warrant therefor.

On examining the register of warrants, Book "H," pp. 62 to 64, covering dates of the preceding issue, there are but seventy names to whom allowances were made. It is true that one hundred and thirty-three names appear on these pages, but several of them, as the record shows, had several warrants on one allowance. According to this showing, the clerk received $15.75 more than the law allowed. Another mode of increasing fees, was the issuing of a number of warrants on the same allowance, because of the fee of 10c. made for filing each warrant.

At the time of the event in question, an allowance of $80 for sixteen days' services on the equalization board was made to F. K. Lyman, as assessor of the county; and $112 was allowed to W. R. Lear, the county surveyor, as a member of the equali-

[27] Ib., 240.

zation board. This shows that it cost the county $272 to equalize the taxable property of Arkansas County for the year 1870.[28]

At the general election held on the 8th day of November, 1870, the following named parties were returned as elected to their several offices:

A. Hemingway, Arkansas County, senator. (To fill vacancy caused by resignation of Hutchinson who had been appointed circuit superintendent of instruction.)

Edmund R. Wiley and George H. Joslin, representatives from this county, 12th representative district.

The Governor appointed Alexander C. Wiley, county clerk, to fill the vacancy made by the election of his brother, E. R. Wiley, as representative. Mr. A. C. Wiley had been deputy clerk under his brother.

Under an order made at the October Term of the county court, 1870, a vote was taken at this election as to whether the county should subscribe the sum of $200,000 for stock in a certain railroad proposed to be built through the county. The result was in favor of the subscription.

The population of the county as shown by the Federal census for 1870, was 8,268,—a decrease of 576 since the census of 1860. When the ravages of the Civil War, together with the blighting influences of reconstruction, are considered, the reader will not be at a loss to acount for this difference. The only wonder is, that the loss was not greater.

1871.

It will be observed by reference to the proceedings of the county court, at its first term in the year, that the judge had lost none of his financial ability so far as he individually was concerned. At this term an order was granted as follows:

B. C. Hubbard
vs.
Arkansas County
Claim for $263.50.

On this day is presented the claim of said Hubbard for the sum of $263.50, for one quarter's salary as county and probate judge, and for acting as judge of election at Silver Lake precinct on the 8th day of November, 1870, qualifying judges of said election and bringing up the

[28]County Court Record "C", No. 2, p. 207.

returns thereof; which claims being audited and examined by the court, are allowed and ordered paid.[29]

This order was made on the 4th day of January, 1871. On the 2d of February, at an adjourned term of the court, the following order was granted:

B. C. Hubbard
vs.
Arkansas County
Claim for $6.00.

On this day is presented the claim of said Hubbard for clerk of election held November 8th, 1870, in Silver Lake Township, for six dollars, which claim being audited and examined, by the court, is allowed and ordered paid.[30]

In these two orders the fact is shown that Hubbard, as county judge, administered the necessary oath to himself and others, to hold the election; that he acted in the two-fold capacity of judge and clerk of the election; and that he brought the returns of this election to the county authorities; and, that he charged and was allowed pay for these services.

Alexander C. Wiley, who had been appointed county clerk, took possession of the office about the 16th of November, 1870. January 11, 1871, E. R. Wiley, the retiring clerk, filed a claim against the county for $746.70, for fees due him up to the 11th ot November, 1870. On the same day of court, A. C. Wiley, the new clerk, filed a claim for $576.80. Both claims were allowed, and ordered paid.[31]

The last account is mentioned that the reader may know that the new clerk was as adept in counting and charging fees as his brother had been, he having obtained an allowance of $76.80 for less than two months' services. One other allowance by the county court for the year 1871, and we will close. On the 2d day of May, 1871, the county court granted the following order, to-wit:

Fred K. Lyman
vs. Claim for $1,322.00
Arkansas County.

On this day comes up the claim of said Lyman for publishing the delinquent list of lands for the years 1869 and 1870, for $2,322.00, twenty three hundred and twenty-two dollars, on which claim the sum of one

[29]County Court Record "C", No. 2, p. 292.
[30]Ib., 348.
[31]Ib., 301.

thousand dollars was allowed at the last term of this court, leaving a balance of $1,322.00, thirteen hundred and twenty-two dollars, which claim being audited and examined by the court, is allowed and ordered paid.[33]

Under the election laws then in force, the 12th representative district, consisting of Arkansas and Prairie Counties, was entitled to four representatives. Two of these were E. R. Wiley and G. H. Joslyn who were elected from Arkansas County, at the general election of 1870.

During the session of the legislature of 1871, through the influence of these men mainly, all that portion of Arkansas County lying south of the Arkansas River, an area of about one hundred and seventy-five square miles and a population of 2,933 souls, was stricken off from Arkansas County and made a part of the new county of Lincoln. Lincoln County was created by an act of the legislature approved March 28, 1871, and as soon as organized, the Governor filled all the offices that could be filled by appointment. Among those receiving appointments were: Representative Joslyn, as county and probate judge; Alfred Wiley, brother of representative Wiley, clerk of the circuit court; and J. J. Joslyn, brother of the new judge, as county treasurer.

Now, that I am writing about the changing of the boundaries of the county, I will show that all of Desha County that was lying north of the Arkansas River and the cut-off connecting Arkansas and White rivers; also, that part east of White River, was, by an act of the legislature of 1885, detached from Desha and added to Arkansas County. This territory embraced an area of about ..... square miles, and had a population of about 400. At the session of the legislature of 1889, all of Arkansas County lying west of Big Bayou Meto, and south of a line running east and west, one mile north of the line dividing townships 5 and 6 south; from the channel of said bayou to the range line dividing ranges 6 and 7 west, was detached from Arkansas County and annexed to Jefferson. This territory embraced an area of about eighty-five square miles, and a population of about two thousand.

[33]Ib., 394.

The reader is reminded, that at the October term of the county court, 1870, an election was ordered to ascertain the will of the voters on the subject of subscribing $200,000 in county bonds to assist in building certain railroads that were proposed as about to pass through Arkansas County. The effort failing, the county court at the October term, 1871, made another attempt in the same direction as is shown hereafter.

PETITION FOR RAILROAD, SUBMITTED.

On this day, it appearing that the president and directors of the Grand Prairie and DeWitt and Chicora Railroad companies, have applied to the county court of Arkansas County for a subscription of $100,000 to the capital stock to each of the said roads, by the county; and that more than one hundred voters of said county have petitioned said court for the submission of the question of such subscription to the voters of said county, it is therefore ordered by the court that an election be held on Saturday the 28th day of October, 1871, at the usual voting places in the county of Arkansas, and in the manner and form as required by law to determine the question of the subscription of $100,000 by Arkansas County, in coupon bonds of said county to the capital stock of each of said railroad companies, in manner and form as provided by law, and on the following terms and conditions to-wit: That when the railroads intended to be constructed by said companies shall be located and surveyed within the county of Arkansas, as soon as the directors of the respective companies shall file with the county clerk, their report in writing, of the entire length of the lines of the respective roads within said county, attested by the affidavit or oral sworn testimony of the engineer making such survey, and, thereupon, whenever any portion of the grading of said road within said county shall be completed, upon the filing in the county clerk's office of the written application of the directors, and the affidavit of the engineers of the respective companies, or the county surveyor, as to the length of such graded portions of said road; that there shall be issued to said respective companies an amount of bonds aforesaid, bearing the same ratio to the entire subscription which the length of that portion of the respective roads graded, as aforesaid, shall be to the entire length of their respective lines within said county; and so on from time to time, as the work progresses, until all the grading within the county shall have been completed, and the entire amount of bonds issued. That such bonds shall be of such denomination as shall hereafter be agreed upon between the directors of said railroad companies and the said county court, and shall have those of the DeWitt and Chicora Company twenty years, and those of the Grand Prairie Company fifteen years to run to their maturity, and bear six per cent per annum interest from the date of issuance. Said interest to be payable semi annually at such banking house or office as may be hereinafter before the issuance of said bonds agreed upon, between the county and the directors of the respective companies; that said bonds shall be denominated, respectively, Chicora Railroad bonds, and Arkansas County Grand Prairie Railroad bonds, and shall be signed by the presiding judge of the county and countersigned by the county clerk of this court; and the interest coupons thereunto attached, signed by the county clerk; and the bonds and coupons attested by the seal of Arkansas

County. And that the bonds, when issued, shall be accepted by the said railroad companies at their par value for the stock of said companies; and the clerk is hereby ordered to make out, forthwith, the poll books of said election, and the sheriff to forthwith, post notices of said election in each township of said county."[34]

At the January term, 1872, of the county court, presumably upon the election held on the 28th of October, 1871, the court granted the following order, to-wit:

APPROPRIATION.

On this day it is ordered that the sum of $800 be, and the same is hereby appropriated for the purchase of blank bonds for the issuance, by Arkansas County, to the DeWitt and Chicora, and the Grand Prairie Railroad Companies; the bonds heretofore subscribed to the capital stock of said companies upon the fulfillment by said railroad companies of the conditions in a said subscription contained and it is ordered that the clerk hereof draw his warrants on the treasurer in favor of Buford C. Hubbard who is hereby made a special commissioner for carrying into effect the powers of this order in such amounts as may be required by said commissioner to the aggregate amount of $800, and that said commissioner sell said warrants for cash, for the greatest price which can be obtained, but not a greater discount than ten per cent; and hold the proceeds in trust for the purpose of this appropriation, until the further order of this court. And that he report at the next meeting of this court after the sale of said warrants, his acts and doing in this behalf and the amount then in his hands of the proceeds of the sale aforesaid.[35]

The legislature of 1873, by an act approved April 3d, abolished the county courts and established a board of supervisors for each county in the State, empowered the governor with authority to appoint three supervisors in each county. Under the law, the governor appointed Erastus Inman, John Matley, and Joseph Helm (the latter a negro), as the board of supervisors for Arkansas County. This board at its July term, passed the following order regarding the railroads referred to:

"In the matter of voting the stock of Arkansas County, which has been voted to the Grand Praire & DeWitt, and the DeWitt & Chicora Railroads.

Now on this day it is ordered that John Matley be, and he is hereby ordered and authorized to vote the stock now taken by the county of Arkansas in the above mentioned railroads, and that he is hereby fully authorized and empowered to represent the interest of the county of Arkansas in said roads so far as the stock in his hands will enable him so to do."[36]

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[34]County Record "D", pp. 23-24.

[35]Ib., 66.

[36]Ib., 323.

These three orders are grouped together as all refer to the same subject matter, and that the reader may understand them.

It will be observed that the first order required that an election be held, the second made an appropriation for the purchase of blanks for bonds, and the third, a member of the board of supervisors was ordered to vote the stock of the county.

On the margin of Record "D," p. 66, ordering the appropriation, the following note is made: "Issued, No. 45 to 56." Register of warrants, page 97, Book "H," shows that on the 6th of January, 1872, warrants from 45 to 56, inclusive, were issued to B. C. Hubbard as commissioner; that Hubbard acknowledged the receipt of said warrants by signing his name to the same; and, that on the 3d day of July, 1872, all of these warrants had been redeemed and interest charged on each, the interest ranging from 52 cents to $2.90. All of these warrants were issued the same day and redeemed the same day, but the record fails to show who returned these warrants to the clerk whose duty it is to make such record as they are redeemed.

This record shows that on the same day as mentioned in the preceding paragraph, a large amount of money, running into thousands of dollars in county warrants was redeemed. Page 137, Record "D," shows that on the 9th day of July, 1872, that on settlement with the county court, Michael Holt, county treasurer, turned over to the county $16,403.14 in "Arkansas County warrants which have been redeemed by him and now have been severally cancelled in open court, it is by the court ordered, that said warrants be filed."

There can be little, if any, doubt that these $800 in county warrants with others, were paid to Holt, the treasurer on the 3d of July, and he turned them over to the court, which cancelled them on the 9th day of that month.

Now the question is, who recorded the value of these warrants and to whose credit did they pass?

It is a notorious fact that not one dollar of this sum was expended for the purpose designated in the order of the court making the appropriation, and no bonds were issued for the reason that none of the conditions mentioned in the order, were com-

plied with; not one foot of either road was ever built in the county.

One of the remarkable coincidents connected with reconstruction in Arkansas County was the presence and official actions of three brothers, Alex. C., Edmond R., and Alfred Wiley. Edmund was clerk, first by military appointment, later by election; representative in the legislature, justice of the peace by appointment, and the sheriff by election from 1867 to 1874. Alexander Wiley was deputy clerk under his brother Edmund, later clerk, and afterward, deputy under E. P. G. Tackett, all of these positions obtained by appointment. Alfred was appointed justice of the peace in 1868. These facts are presented to the reader to show that at a majority of the sessions of the county court from 1868 to 1874, two of these three men were present in an official capacity, participating in the proceedings. The appointment of Alfred Wiley to the office of county clerk in Lincoln County (1871), vacated his office as justice of the peace in LaGrue township; however, he was present and acting as one of the court April 3d, 1871. After the adjournment of the legislature (1871), Edmond R. Wiley was appointed justice of the peace in LaGrue township, and was a member of the court on the 7th of July, 1871. It will thus be seen that the principal actors in controlling the internal affairs of the county from August, 1868 to 1873, were, the three Wileys, B. C. Hubbard, and Edward Johnson.

1872.

In presenting the official acts of the reconstruction authorities during the year, 1872, I shall note only the most pronounced acts of theirs, for, as time progresses, they grow in ability to devise ways and means of appropriating the public moneys, as will fully appear by referring to the data given below.

At the April term of the county court, an appropriation was made to A. C. Wiley, as clerk, for the sum of $420.25. (E. R. Wiley appearing as a member of the court.)[87]

At the July term of said court the sum of $1,001.05 was allowed to A. C. Wiley as clerk, the same parties constituting the

[87]Ib., 103.

court as at the April term.[38] At the October term of the same year, the same officials, the court allowed Mr. Wiley $683.50 for his services.[39] The total allowance to Mr. Wiley for the year's services was $2,104.80, and the various allowances do not include fees due the clerk from litigants in circuit court, nor those as clerk of probate court and recorder of the county.

On the 23d of December, 1872, before B. C. Hubbard as judge and J. M. Barker and H. M. Shad as associates, the salary of the county attorney, R. E. Puyear, was raised from $500 to $750 per annum.[40]

At the general election held in November, 1872, the following officers were elected for the county and district:

P. C. Dooley, senator.
J. F. Preston and D. J. Hinds, representatives.
E. P. G. Tackett, clerk.
E. R. Wiley, sheriff.
Samuel McCarty, treasurer.
L. S. Fields, coroner.
Joe Webster, surveyor.
I. W. Johnson, assessor.

Immediately upon the installation of Tackett, he appointed A. C. Wiley his deputy. The election of E. R. Wiley as sheriff made the office of justice of peace in LaGrue township vacant, and Geo. Kealhoffer was appointed to fill the vacancy. Kealhoffer was from Ohio and did not remain long in the county.

As an evidence of the burdens imposed upon the tax-payers of the county by the reconstructionists, I will show that by the official report of the commissioner of state lands, made in 1876, there were forfeited to the State for non-payment of taxes, between the years of 1865 and 1872, 247,849.34 acres of land.[41]

1873.

The following order will show that the new court organized at the January term, 1873, maintained the reputation of its predecessor for liberality to its friends and members.

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[38]Ib., 134.
[39]Ib., 175.
[40]Ib., 203.
[41]Commissioner's Report, 1876, p. 41.

"The salary of associate justice for 1873."

"On this day, on motion of Edward Johnson, esquire, it was resolved that the salary of the associate justices of this court be fixed at the sum of three hundred dollars for the year 1873.

Salary of justices of peace attending court this day. It is ordered by the court that the sum of ten dollars be allowed each of the justices of the peace who have this day attended this court."

There were twelve justices present at this term of court, and it will be seen that it cost the county $120 to organize the first term, and that in addition to the annual salaries allowed the judge and associate justices. Further investigation reveals that at this term of court, A. C. Wiley presented a claim against the county for the sum of $2,354.41, with a credit of $156.90 for taxes on seals collected by him, this leaving a balance in his favor of $2,197.50 which was allowed and ordered paid.[42] On this allowance, the clerk issued to Wiley 450 warrants, all bearing the date of January 11, 1873. All but seven or eight of these warrants were redeemed on the 10th of October, 1873, and so noted in red ink in the handwriting of A. C. Wiley.[43]

If the same fees were charged and allowed by the court on this allowance, as were to E. R. Wiley, it cost the county the sum of $157.50 to authorize the clerk to pay himself the amount of this allowance.

No itemized account covering these charges has been found, but when it is recollected that there has been no record showing an abatement of fees or allowances, but on the contrary, in many instances, an increase, it will be no violence to the ordinary mind to conclude that "like begets its like" when manipulated by the same parties as was in this instance.

By an act of the legislature, approved April 3, 1873, the county courts of the State were abolished and a board of supervisors created instead. The last term of the county court presided over by Judge Hubbard, assisted by George Kealhoffer and L. W. Barker, as associate judges, began on the 6th and closed on the 10th of January, 1873. The board of supervisors, consisting of Erastus Inman, John Matley, and Joseph Helm, was convened and organized on the 9th of May, Mr. Inman being elected president under the law creating the board. The

[42]Ib., 230.

[43]Register of Warrants Bk. "H", pp. 121-123.

first act of this board after its organization, was to abolish the office of county attorney, but at the same term allowed R. E. Puyear $270.83 fees due from the 1st of January to May the 10th of that year. But before the adjournment of the term, the board annulled their first order and elected C. B. Brinkly county attorney for one year and fixed his salary at $500.[44]

Heretofore, the references have, generally, been to the doings of the county court or board of supervisors, but the following scene transpired in the circuit court at the March term, 1873. It was in an action of replevin by Jerry Willingham, a negro, against John Bigham, a white man and was brought before Judge H. C. Morse. Both litigants resided in Old River township. Several of the jurors selected to try this case were negroes and were so arranged on their seats while the trial was in progress that they could be reached by persons who passed the ends of the benches on which they sat. While the writer, Bigham's attorney, was presenting his argument in defense of his client, Willingham, who was seated near the jury box, rose from his seat and deliberately passed the seats of the jurors, and as he did so, patted each negro juror on the shoulder and in a voice loud enough to be heard through the court room said, "Stand firm, stand firm" and returned to his seat without one word of censure or reproof from the court, the jury, or the attorney for Willingham. The result was a verdict for Willingham, for all the jurors did as they had been requested, stood firm for Willingham.

Before closing an account of the passing events in the county, for the year 1873, I will invite the reader's attention to the following matter regarding the subject of taxation. This will show the contrast between that of 1865 and 1873 and between 1873 and 1888. The first illustration shows the taxes as they were the first year of Democratic rule after the war and before reconstruction, and the last year of Republican rule since the war.

In 1865, the taxes on the N ½, Sec. 1, T. 4 S., R. 2 W., was $2.40 and the same tract without one dollar's worth of improvements was taxed in 1873, $29.70, upwards of twelve times the

[44]Ib., 273.

taxes of 1865. The second illustration shows that six lots with the improvements on them, had been assessed by the county board of equalization for 1871, at $2,900, which was raised by the state board of equalization—the state senate—to $4,640. These lots were taxed at the latter figures for that year, and the taxes, exclusive of school tax, were $92.80.

The member of the state board, from Arkansas county, was A. Hemmingway, a "carpetbagger" who resided on the Arkansas River and was comparatively unknown to a majority of the citizens of this county. He had but a limited knowledge of the value of real estate in this county, yet as our representative on that board, he raised the valuation of all real estate in the county sixty per cent. above that placed by the county board. On these lots, with six others, the taxes, including the local school tax, was, in 1888, $14.60.

THE CONTRAST.

No. 1.	Taxes for 1865	$ 2.40
	Taxes for 1873	29.70
	Increase	$ 27.30
No. 2.	Taxes for 1873	$ 92.80
	Taxes for 1888	14.60
	Decrease	$ 78.20

These facts can be verified by referring to the tax books for the respective years now on file in the clerk's office of Arkansas County.

1874.

The first act of the board of supervisors at the January meeting, 1874, was an allowance to Tackett, the clerk, "The sum of seventy-five dollars for going to Pine Bluff in advertising the tax-list of lands for the year, 1872. * * * That the said Tackett be, and he is hereby allowed and paid the sum of fifty dollars for services rendered in settling with Machael Holt, late

treasurer of Arkansas County." [45] For the latter charge there may be some authority, but for the former there is none. The law designates in what paper to present the delinquent tax lists and fixes the price for same, and all that the clerk had to do was to prepare the lists and send them to the printer.

At the meeting of the board previously mentioned, a new order was made regarding the employing of a county attorney, prescribing his duties, etc., the latter clause of this order reads as follows: "The said attorney shall receive for his salary the sum of $1,000 per annum, in Arkansas County warrants or script, and shall serve for the period of one year from the date of his election." The above conditions being agreed to and understood by the board, they proceeded to the election of an attorney by ballot, as evidenced by the following extract from the records:

"Whereupon, the vote stands as follows, E. Inman votes for Jas. A. Gibson, and John Matley and Joseph Helm vote for G. J. F. Van De Sande, and it having been found that in court that said Van De Sande had received two votes, and it being a majority of the board, he is declared duly elected." [46] This is quite an upward movement financially, in the interest of the county attorney, from the first order on this subject, in this: that by their first order they abolished the office as unnecessary; second, they assume that the office is necessary and increase his salary from $500 to $1,000. One of the remarkable incidents connected with this order of the board, is the election of Van De Sande to the attorneyship, for he was unknown to the greater portion of the citizens of the county, even as a resident, to say nothing of his qualifications as a lawyer. Previous to his election, he had resided the greater portion of his time, in Old River and Villemont townships, associating upon terms of social equality with the negro population of these townships.

But when the facts are known, that one member of the board voting for him was a negro, and the other an associate upon terms of equality with the negroes of his vicinity, this event will be fully understood.

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[45] County Court Record "D", p. 377.

[46] County Record "D", p. 451.

When news was received of the breaking out of the Brooks-Baxter War, April, 1875, Van De Sande and his colored friend Helms left the county for the county's good "without standing on the manner of their going," and prudently remained out of it. The departure of Van De Sande from the county left the office of county attorney vacant. To fill this vacancy, the board of supervisors at the July term, 1874, granted the order as given below:

> In the matter of the appointment of county attorney.
>
> On this day for good cause shown, it is ordered that the former order of this board, appointing G. J. F. Van De Sande, county attorney for Arkansas County, be, and the same is hereby vacated.
>
> And it is further ordered that A. L. Freeman be, and he, hereby, is appointed county attorney of Arkansas County in place of said Van De Sande, for the term of one year from this date and that Freeman shall be allowed for his services as such attorney, as compensation, at the rate of $750 per annum, payable quarterly."[47]

At the October term, 1874, of said board meeting, on the 22d day of the month, just three and one-half months since granting the order of allowance to Freeman as county attorney, this board granted the following order, to-wit:

> A. L. Freeman
> vs.
> Arkansas County
>
> Now on this day is presented the claim of said A. L. Freeman, for the sum of seven hundred and fifty dollars ($750.00), salary as county attorney as per contract as hereinbefore made and of record of which sum, the sum of one hundred and ninety-five dollars ($195.00) is due and the sum of five hundred and eighty-five dollars ($585.00) which sums are hereby allowed and ordered paid out of the ordinary county funds." On the margin of the page of the record where this order is recorded, this endorsement occurs: "No. 51—Issued 978 to 991, both inclusive, all issued."[48]

Referring to page 217, Warrant Record "H," we find that warrants No. 978 to 991, inclusive, were issued on the 23d day of October, 1874, to A. L. Freeman, and were receipted for on that day.

Here in the face of and in express violation of its own order, within less than four months, the board of supervisors ordered the payment of five hundred and fifty dollars for services which were never performed. The foregoing order of allowance to

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[47]Ib., 460.

[48]Ib., 534.

Freeman was made on the last day of the last term of the board of supervisors and was the last record made by Tackett as clerk, except the note of filing and recording the names of the judges appointed to hold the general election in October, 1874, under the new constitution. This record was the 25th of October of that year.

The third section of the schedule to the constitution of 1874, declared, that: "An election shall be held at the several election precincts of every county of the State on Thursday the 13th day of October, 1874, for * * * all county and township officers provided for in this constitution." Under the authority of this section an election was held on the day designated, and the officers named were elected. At this election the vote of the county on the adoption of the new constitution was had, and an aggregate of sixteen hundred and forty-one was cast. By provisions of the new constitution, the state election was separated from the Federal, the former being held this year on the 13th day of October, the latter, on Tuesday after the first Monday in November.

The Federal election of 1874 was held on the 3d day of November in Arkansas County, for the sole purpose of electing a representative to congress. The returns of this election were made to the county clerk who held office under the laws of 1868. (The newly elected clerk had not then been commissioned.) These facts are mentioned that the reader may more fully understand the "actings and doings" of the old and outgoing officials.

At the election held in this county on the 3d day of November, to elect a representative to congress—the only office elective by the voters of the county under the law then in force—nevertheless, votes were received, counted, and returns made from four of the townships of the county, for every office that had been elective under the constitution and laws of 1868, notwithstanding the fact, that every office from governor down to township constable had been elected, returns made, and these returns certified by the same officers to the proper authorities, as the election held on the 13th of October, 1874.

The county clerk in certifying to the proper authorities the vote cast on the 3d day of November for representative, added

to this the vote polled in the four precincts of the county for four representatives to the state legislature, county treasurer, surveyor, one member of the board of supervisors, justices of the peace and constables. Abstracts of these were made and filed in the office of the county clerk. This abstract is now before me and from this these facts are taken.

In addition to this, a copy of the certificate of election issued for the benefit of the four persons voted for as representatives in the state legislature, is given.

State of Arkansas,
County of Arkansas.

Be it remembered, that at an election begun, and held in, the county of Arkansas, aforesaid, on the 3d day of November, 1874, at the several places of voting established according to law, for the election of four representatives in the general assembly of said State, from the 12th senatorial and representative district; the following named persons received the number of votes set opposite their respective names, to-wit: M. B. Billingsly, one hundred and nineteen (119) votes; D. B. McFarlane, one hundred and nineteen (119) votes; Stephen Bilheimer, one hundred and twenty (120) votes; Thomas Kersh, one hundred and twenty (120) votes.

I, E. P. G. Tackett, county clerk and ex-officio clerk of the county court in and for the county of Arkansas aforesaid, do hereby certify that the foregoing is a true copy and complete abstract of the whole number of votes cast at the election aforesaid, in all the precincts of the county of Arkansas aforesaid.

In testimony whereof, I have hereunto set my hand and affixed the seal of my office, at the county of Arkansas aforesaid, on the 6th day of November, 1874.

E. P. Tackett, Clerk.
By A. C. Wiley, D. C.

Filed Nov. 6th, 1874.
E. P. G. Tackett, Clerk.
By A. C. Wiley, D. C.

Billingsley and McFarlane were citizens of Arkansas County; Bilheimer of Prairie, and Kersh a negro, were from Lincoln, it then forming a part of the 12th representative district.

Were the facts as shown in the foregoing certificate prompted by a secret understanding between the old, or outgoing, county officials and the Brooks' faction, backed or encouraged by the Federal authorities to overturn the new Garland government and install the Brooks' faction?

For an intelligible answer to this question, let the following statement of facts be fully considered and understood. After the formation of the constitution of 1874, and pending its adoption by the State, the leaders of the Republican party held a

political convention in Little Rock September 15th. That convention adopted and published an address, and passed resolutions expressing the political sentiments of the Republicans of the State. In the address we find the following paragraph:

"Has the North changed its mind in relation to unrepentant rebels? We feel very confident that congress will, at an early date, take up the Arkansas case and reinstate its lawful authority, and we hope no man, professing to be a Republican, or who desires to perpetuate the existence of the party in this State, will do anything to embarrass the actions of our friends in congress. We regard our triumph as certain, if the policy laid down in this address, be strictly adhered to."

The resolution referred to is as follows: "That we approve the timely movement, calling a convention to be held at Chattanooga on the 13th day of October next, and have the utmost confidence that its deliberations will result in great good to the whole country."

What was the object of the Southern convention? and why was it so heartily approved by Arkansas Republicans if they did not contemplate an effort to reverse the ruling of President Grant, and reinstate reconstruction Republican rule in Arkansas? Following the suggestion and recommendation of the September convention, we see the reason prompting the actions of the election officers in the November election of 1874.

In this connection, take into consideration the appeal of V. V. Smith to President Grant, dated the 16th of November, 1874, asking the President to support him in his pretended claim to the office of governor of Arkansas. The appeal was supported by Clayton and the following persons: Dorsey, as senator; Snyder, as representative; Wheeler, Page, Corbin, Gray and Warwick, five of the seven state officers under the election of 1872. It also was indorsed by Thomas, Brooks, ..., Casper, Dennison, Edgerton, ..., Mills and Harrington, eight of the Federal office-holders in Arkansas. Furthermore, remember the petition of Joseph Brooks to President Grant, dated the 2d of February, praying to be recognized as the lawful governor of Arkansas, and last but not least, the special message of General Grant, dated February 8, 1875. Among other things the message says:

"These proceedings, if permitted to stand, practically ignore all rights of minorities in all the states, also what is there to prevent each

of the states, recently readmitted to Federal relations on certain conditions, changing their conditions and violating their pledge, if this action in Arkansas is acquiesced in."

Why the President changed his mind and actions in this matter from that as shown in his proclamation of the 15th of May, 1874, is left to the conjecture of the reader.

But for the action of congress, under the President's recommendation by his special message of February 8, 1875,—in which he said, "I earnestly ask that congress will take definite action in this matter to relieve the executive from acting upon questions which should be decided by the legislative branch of the government," I think it highly probable that the President, if left to act in the matter, would have overturned the Garland government, and reinstated the reconstruction and that with the constitution of 1868.

Fortunately for the rights of the people, and the maintenance of civil government in our county, congress did relieve the executive by ordering an investigation of "Affairs in Arkansas" and on motion of A. Polland, chairman of the committee making the investigation, the house of representatives of the national congress, March, 1875, adopted the following resolution.

"Resolved that the report of the select committee on the subject of 'Affairs in the State of Arkansas', be accepted. And in the judgment of this house, no interference with the existing government of that State (constitution of 1874—A. H. Garland being governor) by any department of the United States is advisable."

Referring again to the election held by the State in October, 1874, on the question of adopting the new constitution, and the election of officers under same; it is shown that there were 1,641 votes polled, and of this number, 1,211 were for adoption and 430 were against it. The list below names the officers elected and their officers:

Robert C. Chaney, representative to the general assembly.
Richard K. Gamble, county and probate judge.
Benjamin F. Quertermous, circuit clerk.
William Stillwell, sheriff.
A. B. Crawford, treasurer.
Dixon Adams, coroner.
E. J. Connelly, surveyor.
Jessie Bass, assessor.

Each of these officers were elected as their successors at the general election of 1876, except Dixon Adams who declined re-election, and Jessie Bass, who died before the election, thus showing that the people of the county were fully satisfied with the officials of the county and their actions.

HABITAT OF THE QUAPAW INDIANS.

By Mrs. Myra McAlmont Vaughn.[1]

Arkansas, the name of our State, is derived from the Akansas, or as we generally and also erroneously call them, Arkansas Indians. These Indians were the owners of the country when first discovered by the Caucasian, and, assuming that the origin of these Indians is of interest to the citizens of our State, I will give a summary of the information on the subject that I have gleaned from the early writers. They were in undisputed possession of the soil now included within the limits of the State of Arkansas as early as the beginning of the eighteenth century.

The Ouachitas had formerly dwelt on the river Ouachita (said to mean male deer), but they were not found in Arkansas at the time the French first visited the country. They had been driven down the river into Louisiana and were being merged into tribes in Louisiana, notably the Taensas.

The Taensas, who lived in the extreme southeast of Arkansas, or the northeast of Louisiana, were allies of the Arkansas Indians and were the only allies that the Arkansas had in this part of the country, except the Caddoes. The Taensas probably lived on, or claimed the country on the river bearing their name as far up it as to bring them in easy communication with the Arkansas Indians.

The Osages at this time were not on the upper Arkansas River but in the confines of the present State of Missouri, and cannot therefore be classed as a tribe of Indians belonging to the history of Arkansas.

The Metchigamea, mentioned by Father Marquette and La Salle, were evidently an interloping tribe, and were considered as deadly enemies, living near the Missouri line. They were eventually incorporated with the Illinois Indians. They are supposed

[1]For a sketch of Mrs. Vaughan see Publications Ark. Hist. Assoc., I., 260.—Editor.

by some authorities to have come from the neighborhood of Michigan and by some are said to have given the name to that lake, corrupted from Metchigamea to Michigan. They were probably one of the many fugitive parties driven by the Iroquois Indians from their early homes, or only seekers of a happier land, as the progenitors of the Arkansas had themselves been. The Metchigameas are therefore none the less to be considered outside Arkansas history. On old maps they are placed on Big Lake, in the extreme northern part of Arkansas.

The first hint we get of the origin of the Arkansas Indians is from Father Anastasius Douay's account of the Joutel party's inland trip from Ft. St. Louis, in Texas, to the post on the Arkansas, and thence by water to the Illinois country. Father Douay mentions only two facts unnoticed by the other writers. One of these is "that the Sieur de Tonty had stationed them (Coutoure and Delaunay) there, (at the post on the Arkansas), to serve as an intermediate station to the Sieur de la Salle, to maintain the allegiance with these tribes and to shield them against attacks by the Iroquois."

The other fact worthy of mention given by Father Douay is a few words in regard to the Osage, Akansas, and other Indians. He says that

> "About six leagues above the mouth of the Ouabache . . . there is on the northwest the famous river of the Massourites or Osages, at least as large as the river into which it empties; it is formed by a number of other known rivers, everywhere navigable, and inhabited by many populous tribes; as the Panimaha . . . . the Paneassa, the Pana, the Paneloga, and the Matotantes. . . . They include also the Osages who have seventeen villages on a river of their name, which empties into that of the Massourites, to which the maps have also extended the name of Osages. The Akansas were formerly stationed on the upper part of one of these rivers, but the Iroquois drove them out by cruel wars some years ago, so that they, (with some Osage villages) were obliged to drop down and settle on the river which now bears their name, and of which I have spoken."

This of course means that the Akansas as well as the Osages sought safety on the Missouri River. The Osages finally settled on the waters of the upper Arkansas River and its tributaries, but they never, so far as I have read, had any villages within the confines of the present State of Arkansas, though they claimed ownership of the northern part of the State, that is, hunting rights, and murdered all they found in this part of the country.

Dr. J. G. Shea, in a note to a letter of M. de Montigny who calls the nation, Akanseas, says:

"The Akansas were evidently so called by the northern Algonquin nations, especially by the Illinois. Marquette first gives the name Akansea and the French settlers in Illinois seem to have confirmed it. The tribe called themselves Ouguapas or Quapaws. Their language is a Dakotah dialect."

Father Gravier made a voyage down the Mississippi River in 1700, and in his Journal, states the important fact that the Ohio River is "called by the Illinois and by the Oumiamis the river of the Akansa, because the Akansea formerly dwelt on it.

Dr. J. G. Shea, in his note on this passage, says:

"This is an important fact not elsewhere alluded to, showing that this branch of the Dakoias (Dacotahs) must have penetrated the most early of any, before they were driven southernly and west of the Mississippi. This fact will probably base new theories as to the Ohio mound builders, possibly the people who were attacked by, but repulsed the Akansas, unless it is more pleasing to make them the mound builders who fled down the Mississippi, like the fabulous Allegeni of the school books of other days."

This prophecy of Dr. Shea has been literally fulfilled by the patient, painstaking, philanthropic, and scientific labors of the Reverend J. Owen Dorsey. He has spent several years as a missionary among the Ponka Indians, later among the Omahas, and finally among the Kansas, Osages, Quapaws, and kindred tribes, in the employment of the Bureau of Ethnology of the United States government.

Mr. Dorsey has kindly given me the benefit of his investigations and I will quote from an address called "Migration of Siouan Tribes," read by him to the Anthropological Society of Washington City, in 1884:

"Ages ago the ancestors of the Omahas, Ponkas, Osages, Kansas, Kwapas, Winnebagoes, Pawnee Loups, and Rees dwelt east of the Mississippi. They were not all in one region, but they were allies; and their course was westward. . . . Five of these, the Omahas, Ponkas, Osages, Kansas, and Kwapas, were then together. They were called the Alkansa or Arkansa, by the Illinois tribes, and they dwelt along the Ohio River. When they reached the mouth of the Ohio, a separation occurred. Some went down the Mississippi, and hence arose the name 'U-ga-qpa' (pronounced, Ol-gokh-par), or Kwapas,' meaning, 'The down-stream people.' This was before 1540, when De Soto met the Capahas, who were then a distinct tribe. The rest of the Arkansa ascended the Mississippi, taking the name 'U-ma-ha', meaning 'Up-stream people', which we call Omaha. . . . The Up-stream people followed the course

of the Mississippi, and also ascended the Missouri till they reached a place which the Kansas call 'Ma-da-qpa-ye (Mon-dokh-par-yay). This is the present Indian name for Fire Prairie, Missouri, but the original place was much lower down the river. At this place, according to the Kansas and Osage traditions, the ancestors of the Osages, Kansas, Ponkas, and the present Omahas dwelt together. In the course of time they ascended the river, and established themselves at the mouth of the Osage River. Here another separation was made. The Ponkas and Omahas crossed the Missouri, resuming their wanderings. The Osages ascended the stream now bearing their name; and at a stream which they call 'Tse-tu-ka-qa, (Tsay-too-kar-khar), they separated, into the Pa-he-tsi, or Pa-hatsi, (those who camped at the top of the mountain, and incorrectly styled 'Great Osages'); and the U-tsen-ta (almost Eed-zekh-tar), (meaning 'those who camped at the base of the mountains, now called Little Osages')."

Mr. Dorsey has an exhaustive article on the Omahas in the third annual report of the Bureau of Ethnology, accompanied by a "map showing migrations of the Omahas and cognate tribes."

The *habitat* of the Arkansas is represented on this map as at the mouth of the Ohio River, while the *habitat* of the Kwapa, after the separation from the Omahas, etc., is represented at about the site of New Madrid. This situation of the Quapaws is a link in the chain of evidence connecting New Madrid with the *Cappa* or *Pacaha* of De Soto, for the letter *a* of this name, pronounced with the Spanish sound of the letter would very nearly represent the word Quapaw of the present time.

The Akansas Indians are therefore, emphatically, the Indians of Arkansas, the lords of the manor, whom the Caucasian has dispossessed.

But here a strange anamoly presents itself. These Indians were not Akansas Indians, and never called themselves by this name. Their name was Kappa, Cappa, or Ougapa, a name whose pronunciation is most nearly approached by the word spelled Ou-gah-pah, or Kou-ah-pah. To this day they so call themselves, and we write their name Quapaws.

The origin of the name Arkansas has been uncertain, and all derivations based on the first syllable of the name as now written, "Ark," are erroneous, as the original name was Akansas, and the old spelling of the name Arkansas in the United States Statutes was Arkan*saw*. By giving the first syllable the sound of ah, as was customary among the early American pioneers, the French pronunciation of the name is most nearly

approximated by an English speaking people. All efforts to derive the name from the word Kansas and the French prefix of Arc, a word meaning a bow, is fanciful and has no foundation in fact.

Henry R. Schoolcraft, in vol. IV of his "Information Concerning The Indian Tribes of the United States," prepared for the bureau of Indian Affairs, published in 1854, gives us the desired information in regard to the origin of the word Akansas or Arkansas. He says it is derived from the word *Ak*—a people,—and Kanzas, the name of a tribe, and is a word of Dacotah derivation.

Mr. Dorsey did not know this, but his researches corroborated this information. He says:

"These names Kwapa and Omaha are of more recent origin than Kansas, Osage and Ponka. We find proof of the antiquity of these three names in the names of gentes in these tribes. Thus among the Ponkas there is a Ponka gens (the Ma-kah), and an Osage gens (the Wa-ja-je). The Omahas have a Kansas gens (the Kanzé). The Kansas have a Ponka gens (Cedar people), an Osage gens (Deer People), and a Kansas gens (Kanzé) associated, as among the Omahas with the winds. The Osages have a Kansas gens (Kanse) and seven Osage (Wa-ca-ce) gentes, one of which is the Ponka, (Pan-hka). The last is associated with the red cedar."

Mr. Dorsey was unable to find an Omaha gens, and the only Kwapa village (not a gens) is among the Kwapas. Mr. Dorsey also states that he found members of the three divisions of the Arkansas Indians in Indian territory and was told in 1883 what were the names of three of their old villages in Arkansas. The first was U-ga-qpa-qti, or Kwapa, the second U-zu-ti-u'-hi (Otsote), means probably village on a lowland level interspersed with trees. The third was Ti-u-a-ddhima (Thoriman). The present day Quapaws could not give the name of the fourth village.

In a letter written me in 1889, Mr. Dorsey says that he knows that "the Quapaws are of the same stock with the Osages." He says:

"I have met them, talked with them in the Ponka dialect, which they had no difficulty in understanding, though the tribes have been separated for more than three hundred and thirty-nine years. The Quapaws said to the Kansas, on meeting them again, 'We are Kansas'. I do not deny that the Quapaws may have regarded the Osages as foes; that proves nothing, for Ponkas and Omahas were at war twice during

this century, though they have intermarried, traveled together and speak the same dialect. . . ."

Thus the Aztec origin of the Quapaw Indians, as suggested by some authors, is proved to be entirely without foundation in fact, and Father Marquette's difficulty in pronouncing the words of their language was not greater than that of others who tried to master the dialects of the Siouan language.

Authorities on the North American Indians, including the United States Bureau of Ethnology, agree that the Pacaha tribe visited by De Soto, in 1542, and described by Biedma and the Gentleman of Elvas, is the tribe known later as the Quapaws. Biedma says that the last village De Soto visited on the eastern bank of the Mississippi River and near his crossing place of that stream, "was tributary to the sovereign of Pacoha." This shows that the Quapaws at that date ruled some villages on the eastern bank of the Mississippi, but their seat of government was at the town of Pacaha. The Gentleman of Elvas tells us that it is the "Rio Grande or Great River which passes by Pacaha and Aquizo," and this declaration determines the position of Pacaha as on the Mississippi River, for Rio Grande was the name by which the Spaniards called that river.

Marquette and Joliet, in 1673, are the next to mention this tribe and the first to give it the name so well known later. Marquette visited but one village and that was on the eastern bank of the Mississippi River. In his account, published by Dr. J. G. Shea, he spells the name Akansea and Akensea, but on his original map, found by Dr. Shea in St. Mary's College, Montreal, he spells it Akansea. Opposite this village he outlines a small stream, which is probably intended for the St. Francis, where the Quapaws had a village and which for a time was called by the early writers, the river of the Quapaws, or Akanseas. Marquette was not in the bounds of the State of Arkansas, at least, his account does not say so, though the incorrect translations of his work do say that he went to the mouth of the Arkansas River. He says he visited the Akansas and that he "left the village of the Akansaes," which has been erronously translated, *of the Akanseas.* This statement that he had passed beyond the 34th degree of latitude cannot be proved, as he had no means of

verifying this statement and relied upon Indian information for approximations of distances and latitudes, and it was many years later before these were made reliable.

When La Salle sailed down the Mississippi River in 1682, he found the Kappa village nearly opposite the place later known as Ft. Prud'homme, and now, it is said, the site of Ft. Pillow. In the official certificate of the formal taking possession of the country in the name of the king of France the notary says:

> "They arrived the 12th of March at Kapaha, an Akansan village. . . . . The fifteenth they passed another of their villages on the bank of their river, and two others further off in the depths of the forest, and arrived at that of *Imaha,* the largest of those belonging to this nation."

La Salle, in a letter written in 1683, says there were five villages of the Akansas nation. The two mentioned by the notary as in the woods were probably hunting camps, for on their return voyage Nicholas de la Salle says that after six days' journey from the Taensas they arrived at the first village of the Akansas . . . they staid there one day . . . The second day, they went to the middle village . . . The next day they arrived at the other village of the Akansa; Nicolas de la Salle (not the commander of the expedition) had said in his account of the voyage down the Mississippi River, that "the Akansas said they had four villages, and showed by signs, where they were." This leaves out the one on the Arkansas River, but to make the five villages with which La Salle credits them, we refer to later writers who tell us that two tribes of the Akansas lived in one village on the Mississippi. Mr. Dorsey quotes Gale as authority for the names of the different villages as, U-ga-qpa-qti, (The *Kapaha* of La Salle); the Ta-ma-ji-ga, (the Tongigua of Joutel), Imaha, near the mouth of the Arkansas; the U-zu-ti-u-hi-, (the Ozotoue of De Tonty); and fifth the Ti-u-a-di-ma-, or Thoriman of Joutel. Joutel says Couture told him that Tongigua signified *little village,* which accounts for their joining the Thoriman village, as Charlevoix says they had done when he visited the country in 1721.

As to the numbers of the Akansas nation it can only be roughly approximated. Joutel says the Kapaha village had about four hundred warriors and the other villages had as many

more altogether, which would give at the utmost, but a population of a few thousands. This being the case, it is no wonder that they greatly feared the Chickasaws, who could bring into the field from two to four thousand warriors. The rooted hostility of the Chickasaws to the Akansas was due, no doubt, in part to the fact that the Akansas Indians had many years previously tried to settle on their lands, during their migrations down the Ohio, and Indians were very tenacious of their rights in their lands, in a general way. It is no wonder then that the Akansas Indians so joyfully welcomed an allegiance to the Frenchmen, in whom they expected to find a powerful protector with their fire arms.

De Tonty says the first Akansas village was named Cappa, the next, eight leagues below it, was named Toyengan, and the third, two leagues further down, was Toriman village where La Salle's notary places Imaha. This difference can only be explained by supposing that the Imahas as well as the Toyengas lived there and thus the names became interchangeable (for there is no mention of Imaha again till 1701, by Father Gravier, who mentions five villages, Imaha being the highest tribe up the Arkansas River). This idea is borne out by the fact that De Tonty, in his report of his voyage down the Mississippi River in 1686 calls the third village on this river *Omma,* evidently meaning the one generally called Imaha. De Tonty never feels bound to spell the same name twice in the same way in a single memoir. In the one quoted from first, written in 1691, he calls the same village Toyengan, Tongengan, and the one on the Arkansas River, Osotonoy, and Assotoue and still later he writes it Ozotoues. Joutel tells us that the Thoriman village was on the Arkansas River in 1787, but in 1682 this village was on the Mississippi River, driven off the Arkansas probably by their enemies, the Metchigamea, of whom they complained to Joutel when begging their party to stay and help them against their enemies. Thus we see how gradually they had been driven from one point to another till the next century they will all be found on the Arkansas River.

Joutel tells us in 1687 that, "The nation of the Accançeas consists of four villages. The first is called Ot-sotcho-ve near

which we were (at the orginal Post of Arkansas); the second Toriman, both of them seated on the river; the third Tongenga, and the fourth, Cappa, both on the bank of the Mississippi."

When the French ascended the Mississippi, after D'Iberville's settlement in Louisiana, the Quapaws were all on the Arkansas River, driven there, no doubt, by the continued attacks of their enemies, the Mitchigameas and Chickasaws. They had become much depopulated, whether due to disease or wars we know not. D'Iberville in 1702 in a proposition to bring the more distant tribes nearer the Mississippi mentions the Arkansas tribe and says: "That nation is destroyed." He says further that the "Acansa, Aesetooue and Tongenga" number two hundred families. He advises that the Kansas, Missouris and Crevas be induced to move to the country of the Acansas and says, "they speak the same language as the Akansas."

Le Page Du Pratz, who came to Louisiana in 1718 and left America in 1734, tells us that there were no Indians from what is now the northern boundary of Louisiana to above the northern boundary of Arkansas except the Akansas Indians on the river of that name. He says some authors claim there are other nations on the Arkansas River and while he does not deny there may have been in the past other tribes, but at that time, he knows from personal observation that there were none. He says in regard to the Osages: "Not far from the Missouri River there is a nation called the Osages; they are on a little river named for them."

In 1807 Long reports the Quapaws were all on the Arkansas River in three villages about twelve miles above the Post of Arkansas. He says they are the original proprietors of the country on the river for about 300 miles above them, to the junction of the river Cadwa with the Arkansas; above this fork the Osages claim.

In 1818, by treaty with the United States, they transferred a large part of their lands to the government. Later, for an insignificant sum of money and annuities, they gave up their land expecting incorporation with the Caddo tribe of Louisiana. This was a calamitous move for them. They were nearly drowned by successive floods, and in a starving condition, the most of them

wandered back to their old homes begging to be allowed to die in their old haunts. They were temporarily taken care of but by a final treaty, by which the last foot of ground they owned among the Caddoes was given up, they agreed to move to the Indian Territory and this final removal took place in 1834. where they were given one hundred and fifty sections of land.

The remnant of the Quapaw tribe still exists in the northeastern corner of what is now the State of Oklahoma. Mr. Dorsey says: "They have sold part of this land (the one hundred and fifty sections) to other tribes, and a strip to Kansas, with the approval of the government. They now number less than two hundred souls, many of whom are living with the Osages." Mr. Dorsey says he "found the most of the Quapaws on the Osage reservation, in the winter of 1882-3, but they had a separate tract of land."

DAVID O. DODD.

The Nathan Hale of Arkansas.[1]

By W. C. Parham.[2]

David O. Dodd was born in Lavaca County, Texas, on the 10th of November, 1846. In the early fifties his father removed with him to Saline County, Arkansas, and was here when the war between the states broke out. Soon after the capture of Little Rock by the enemy, under command of General Steele, the Dodd family refugeed to their old home in Texas. In October, 1863, Mr. Dodd sent his young son, David, back to Arkansas to look after some stock which he had been compelled to leave in the hurry of moving. At that time the Confederate forces in this State, under command of General Holmes, were encamped near Camden, just south of the Ouachita River, and General Fagan, who had known David here intimately before the war, was in command of the Confederate outpost picket headquarters at Camden. When David applied to him for a pass in order to reach his old home in Saline County, General Fagan playfully remarked, "David, I will give you the pass, but it is with the understanding that you will visit Little Rock and ascertain and report to me, if possible, the numbers and location of General Steele's army and their plans and purposes for the next campaign." David accepted the pass and promised that he would do what he could in this direction.

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[1]This paper was written by Col. Parham at the request of David O. Dodd Camp, U. C. V., No. 235, and published first in the Benton Times Courier, Jan. 18, 1906.—Editor.

[2]Professor Parham was born December 24, 1837, in Virginia. He received his training preparatory for college under George Stone, Sr., who at the age of 17 took his A. M. degree in the University of Edinburgh in the class with William IV., King of England. He entered William and Mary College with advanced standing and two years later, July 4, 1857, he took the A. B. degree. From the same institution he later received the A. M. degree.

Since graduation Professor Parham has devoted himself to the profession of teaching, giving most of his attention to ancient languages. He taught in private schools in Virginia and Mississippi from 1857 to 1860; was principal of an academy at Princeton, Ark., 1861-64 and 1866-68; of Fulcon Masonic Institute, 1868-69; of Benton High School, 1877-84; professor of Latin and Greek in McKenzie College, Texas, 1864-

After arriving in the little town of Benton, near his old home, David first looked after his father's stray cattle. This was indeed the object of his visit to Arkansas. Then he went to Little Rock ostensibly to visit a number of his schoolmates, for he had been a cadet at St. John's College before the war and was there when the war broke out. He remained in Little Rock about three weeks, visiting freely and frequently the United States arsenal, the headquarters of the Federal army. He was only a child and nobody paid any special attention to him.

After he had thoroughly inspected the forts and camps, he applied to General Steele for a pass to go out of the Federal lines for the purpose of returning to his home in Texas. The pass was given without hesitation, and David started on foot to go to Benton, about twenty-five miles south of Little Rock. He passed the infantry picket about four miles from Little Rock, showing his pass from General Steele, and finally reached the outpost cavalry picket, ten miles further on. Here he showed his pass and continued to trudge on. A short distance further on he should have taken the left hand road for Benton, which leaves the Hot Springs road at a very acute angle, Ascertaining at a farm house that he had taken the wrong road, he made a detour across the woods so as to come into the Benton road some two miles from the forks. Just as he emerged from the woods into the road he encountered a squad of cavalry returning from Benton to Little Rock. They halted him and on inquiry he informed them that he had just left Little Rock and was on his way to Benton; that he had inadvertently taken the wrong road at the forks and had cut across the woods to right him-

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65; in St. John's College, Little Rock, 1869-75; in Arkansas Female College, Little Rock, 1875-77; in Central Collegiate Institute, Altus, Ark., 1884-85; in Millersburg Female College, Ky., 1887-91; in Galloway Female College, Searcy, 1891-93; and president of Masonic Female College, Marshall, Texas, 1899-1904.

Professor Parham was second in rank at St. John's College when the Brooks-Baxter affair occurred. In the absence of Col. Gray he received Gov. Baxter and gave him protection at the college when he was expelled from the state house by Mr. Brooks. He is now conducting a private training school at Benton, and hopes to finish sixty years of professional work before retiring. He is now entering upon his fifty-second year as a teacher. He has done about forty years' work in Arkansas, being probably the senior teacher in the state in point of length of service.—Editor.

self. They asked him for his pass. He told them that the officer in charge of the outpost picket had taken up his pass, saying that General Steele had that day issued special orders to take up all passes at that picket. The scouts thought that there might be something wrong about this, so they took him back about two miles to picket headquarters to prove the truth of the statement. The officer in command produced the pass, thus verifying David's statement to the scout, released him and bade him pursue his journey to Benton.

However, as he was about to leave, some one remarked that he ought to be searched for contraband goods or news. He made no objection to this and was again about to be released, when one of the soldiers remarked that his shoes did not look like mates. So these were examined, when alas! between the sole of one shoe they found concealed papers, written in telegraphic characters, giving full and accurate details about the Federal army in Little Rock.

David was taken back to Little Rock and tried and condemned as a spy. His youth—he was a mere child, only seventeen years old and small for his age—caused General Steele to hesitate about signing his sentence to death; but feeling sure that no child could have ascertained the facts contained in the papers which were found on the boy, and that he would divulge the names of his accomplices rather than hang, he signed the death-warrant. On the day of the execution, the 8th day of January, 1864, General Steele went up to him, and after the rope had been adjusted about the boy's neck, said, "David, I don't want to take your life, and if you will only tell me now who aided you in getting your information, I will release you—otherwise you shall hang here and now." The boy replied, "General Steele, I thank you for your good wishes and kind offers, but I must say that I will not betray a friend, and like Nathan Hale, my only regret is that I have but one life to give to my country."

The drop fell. The child-like form dangled writhing in the air, and so slender and light was the body that the soldiers present had to pull and jerk it in order to break his neck. The remains were turned over to some good ladies in Little Rock,

who laid them away to rest in Mount Holly Cemetery, where the grave may still be seen. An elegant but modest white monument stands above the grave, with this inscription:

"Here lie the remains of David O. Dodd, born in Lavaca County, Texas, November 10, 1846. Died January 8, 1864."

No attempt was made to place a suitable epitaph on the tomb at that time. It has not been done since, and his memory only lives among us in the name of the veteran camp of Confederate soldiers at Benton as "The David O Dodd Camp, U. C. V., No. 235."

In 1867, while the gifted poetess of Arkansas, Miss Fannie Green Borland, daughter of the late Hon. Solon Borland of this State, was spending some months in the family of Hon. Albert Pike, at that time editor of the *Memphis Appeal,* she essayed the task, at the suggestion of Pike, of writing a poem to the memory of David O. Dodd. Below is given this poem which was complimented by the London papers as a very fine production:

"Who knew what passed in these long years
In Arkansas?
Who cared to mark the falling tears
Of Arkansas?
We know of many hero graves,
Where not one wreath of coral waves,
And not one stone a hearing craves,
In Arkansas.

"Thermopylae is far away
From Arkansas,
And knew of heroes ere the day
Of Arkansas.
Leonidas did hold the pass
Till men fell thick as summer's grass;
And one did read that in his class
In Arkansas.

"Rome is held full many a sea
From Arkansas,
But we read the story of the three
In Arkansas.
And one did read it every day,
And heard above his comrades' play
Strange voices call him far away
From Arkansas.

"And when close by his college door
In Arkansas,
He stood a mighty crowd before
In Arkansas,
He knew his lessons were well done
Yet was beneath that Southern sun

A lesson taught to many a one
In Arkansas.
"He did not urge his youth's fair claim
On Arkansas,
Nor tell a single comrade's name;
Oh! Arkansas.
He would not take a length of days,
That led through such dishonored ways,
Better a grave than blighted bays—
Oh! Arkansas.

"He looked beyond his foeman's ire,
To Arkansas;
He saw his comrades' camping fire
In Arkansas;
He marked each form, unfettered, strong;
He heard them singing loud and long,
And halfway broke into that song
Of Arkansas.

"He saw his sister's eyes grow dim
In Arkansas,
With watching long and late for him
In Arkansas.
He saw his mother at the door
Look, knitting, to the river shore—
He would not see them any more
In Arkansas.

"Free breezes in his hair did play
In Arkansas,
And he might be as free as they
In Arkansas.
Only a few short words to say,
He looked up brightly to the day—
'Heaven is not far away
From Arkansas.'[5]

"He did not hold Thermopylae,
Oh! Arkansas;
Nor help to hew the bridge away—
Oh! Arkansas.
But the little hero held his tongue,
And heard the death-knell round him rung,
And saw the rope above him swung—
Oh! Arkansas.

"Who knew what passed in those long years
In Arkansas?
Or darkened history with the tears
Of Arkansas?
And yet among each fairer state,
Who weeps her individual fate,
Can one a grander tale relate,
Than Arkansas?"

SOURCES OF INFORMATION: Rev. R. G. Colburn, pastor of the First Methodist Church at Little Rock at the time of the execution of Dodd. Dr. Colburn was in the cell with Dodd at least once a day while Dodd was awaiting execution.

[5]His last words.

RELICS IN ARKANSAS SHOW EASTERN ORIGIN.

By H. L. Stoddard.[1]

The purpose of this article is to offer cumulative evidence in support of the author's position, that is, that the prehistoric people of America were not indigenous, and were not wholly influenced in their progress in culture, art, civic organization, science, religion and symbolism by environment, and that their development was not along well defined lines moulded by environments, regardless of contact with Asia or any other continent. Furthermore, that the North American Indians were not the so-called Mound Builders, but, that the Mound Builders or prehistoric people of America were Asiatics, and that America and Asia had inter-communication at a period not less than 1000 B. C.

This, the author hopes to make clear by evidence adduced by comparative studies of the astrological and mythological astronomy of the ancients of Asia, and by showing that the American

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[1]Henry Lee Stoddard was born Feb. 12th, 1871, at Greenwood, Miss., youngest son of seven children, descended upon his father's side from the Standards, (so-called from the fact that being stalwart men they bore the standard of colors) of William the Conqueror, 1066. He is of the same family tree as Richard Henry Stoddard, the poet, and John L. Stoddard, the lecturer. His father was Lieut. A. A. Stoddard of the 21st Mississippi regiment who commanded the detail of men who scuttled the "Star of the West." His mother before marriage was Miss Elizabeth Ledbetter of Tuscaloosa, Ala.

Mr. Stoddard quit school at the age of 12 years, hence he is self-taught. By working diligently and saving his earnings, he succeeded in getting together the capital necessary to buy his first bill of goods, amount $18.10. With this as a start he developed one of the chief business concerns of Greenwood, employing twenty persons. He continued in the grocery, confectionary and hotel business until 18 years of age. In 1890 a fire destroyed his savings of seven years. Since that time his efforts have largely been expended as a commercial traveler.

Mr. Stoddard has devoted all of his leisure time to study, having a speaking acquaintance with many of the sciences, philosophies and religions of the world. Social pleasure or melancholy gave place to the keen delight experienced in searching for a grain of knowledge, which he pursued with unrelenting zeal. His contributions to archeological

calendar stone,[2] is correllated with the zodiac depicted upon the temple of Denderah, Egypt; the Persian, Babylonian and Hindoo sphere, and also by botanical researches. If the author falls short of realizing his hopes, he asks that the reader extend the veil of charity, for 'tis said, " 'Tis human to err."

The origin of astronomy and astrology is credited to the Babylonians and Egyptians. Some authorities believe that the Egyptians were the originators and that the Babylonians drew largely from the fountain of knowledge and science of the Egyptians in perfecting their system of astronomy and astrology.

The Pyramids of Egypt stand as an enduring monument of the masterful efforts of the ancient Pharaohs in perfecting their system of astronomy and finding the true year's length. They represent different eras of progress in the study of gnomonics, that is, ascertaining time by means of shadows, and were built at a great expense of labor, and when completed, answered the purpose of a huge sun-dial, or shadowgraph, and astronomical observatory. Nothing was of more importance to the rapidly multiplying millions of the Nile valley than to ascertain the true year's length and thus obtain an accurate knowledge of the seasons for sowing and reaping, thereby assuring a bread supply for the innumerable hosts of the Pharaohs. By possessing this knowledge, they were enabled to record the correct time for sowing seed, and breeding their vast herds, thus insuring the garnering of their grain, and the multiplying of their flocks, which were both food and raiment. Through this pyramidical system of astronomy, they studied the sun's annual movements, developed time, and first elucidated, for men's great gain, the

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literature have excited the interest of many eminent scientists of Europe and America.

He is a Southerner in his sympathies as well as by birth, being an ardent admirer of our great Southern leaders—Jefferson, Davis and Lee. He is a Democrat in politics.

Since coming to Arkansas, Mr. Stoddard married Miss Inez Trundle of Stuttgart, Dec. 26th, 1904. The result of the union is six children, four living, two girls and two boys.

Mr. Stoddard states that his knowledge consists of only two things, to-wit: He knows how little he knows, and he knows that he knows not. —Editor.

[2]Publica. Ark. Hist. Assoc., vol. I., p. 455.

wonderful cycle of the year, and the seasons of agriculture. This recorded data, the Egyptians designated by the word, Almenichiaka, which according to Eusebius, originated our word *Almanac*. Thus we are indebted to the ancient Egyptians for many blessings of life, a debt that few of us comprehend the importance of, for were it not for almanac knowledge, we would not know the true year's length, nor the seasons for agriculture. Pause a moment and consider how vastly important this golden knowledge is to us in our 20th century. Not knowing when to sow,—crop failures would follow successively, and the gaunt specter, famine, would devastate the world. Business conditions would become chaotic, as we would not know when to date a note, or any commercial paper, in fact, no legal instrument could be executed,—we can scarcely imagine the disastrous effect that would ensue, should we suddenly become bereft of our almanac knowledge.

In the front of our present day almanac, we find illustrated the twelve signs of the zodiac, which, no doubt, a great many are unfamiliar with, having looked upon the matter as of minor importance, possibly. As a rule, not more than one person out of 10,000 understands and can explain the zodiac. The almanac and zodiac are synonymous. The Egyptian zodiac was also an almanac, and the ancient zodiac is yet extant, depicted upon the ancient temples of Dendera and Karnac in Egypt.

ZODIAC.

A broad circle in the heavens, about sixteen degrees in width containing the twelve signs through which the sun passes in its annual course. Within this circle, the planets appeared to revolve. The ancient astronomers inscribed a central line in the center of this belt, and called it the ecliptic, which is the *apparent* path of the sun; it intersects the equator, at an angle of about 23 degrees, 27 minutes. This is called its obliquity. "As the inclination of the earth's axis is to the plane of its orbit, so is the obliquity of the ecliptic." The ancient astronomers divided this belt into 360 degrees (each sign occupying 30 degrees) and subdivided this into four quarters, to denote the seasons. They

named the cardinal points, summer and winter solstice, vernal and autumnal equinox. Summer and winter solstices represent respectively the longest and shortest days in the year, and vernal and autumnal equinox, when days and nights are equal. An abbreviation of the signs having been attached to each constellation, the great celestial belt containing them was called, "The wheel of the signs," or "A wheel, in the middle of a wheel," as designated by Ezek. 1. 16, for the reason, that with only one exception, Libra, the forms of living creatures, either real or mythical, were given to them. This belt was designated, "The zodiac or circle of living creatures." A diagram of the zodiac, as anciently represented, is given by the planisphere.

ASTRONOMY AND ASTROLOGY.

That the ancients of Biblical times understood astronomy, frequent references in the Old and New Testaments bear witness.

"Let now the astrologers, the star gazers, the monthly prognosticators, stand up and save thee from these things that shall come upon thee."[3] When Alexander the Great visited Babylon 331 B. C., he was accompanied by Callisthenes, his fellow student under Aristotle. They found cuneiform tablets, giving an accurate account of the eclipses, constellations, and conjunctions, for a period of 2,300 years. This was in 331 B. C., making a total of 2631 years B. C.

One of these tablets is preserved today in the British Museum. We must not forget that these pagans, or magi, understood astronomy and were the first to ascertain that eclipses occur in regular order. The crescent and disc always represents the conjunctive sun and moon, and when placed at the head of the zodiacical bull, the commencement of the cycle, was termed Saros by the Chaldeans, and Metonic by the Greeks.[4] This was alluded to by Job. "Canst thou bring forth Mazzaroth in his season?"[5] That is, when the first new moon and new sun of the year were *coincident* at vernal equinox, which happened once in every 18 years and 9 months.

[3]Isaiah xlvii, 13; Ezek. 14-12; Rev. iv, 5-10; Acts, xxviii, 2.
[4]See almanac.
[5]Job, xxxviii, 32.

The Babylonians transmitted their knowledge of astronomy to the Egyptians who in turn gave it to the Ptolemies, the Greek emperors of Egypt, 322 to 30 B. C. To illustrate how accurate their methods of computation were, with our trigonometry, and improved astronomical apparatus for making observations, we find that, in the 18 years and 9 months time between the conjunctive sun and moon, there is a difference of only *six* seconds. Eratosthenes, 276 B. C., built a sun well at Syene, south of Egypt, and thus ascertained that that latitude was under the tropic as there was no shadow in the well at high-noon, upon the day of the summer solstice. He then built a well at Syene and Alexandria and found by the differences of the sun's inclinations at Syene and Alexandria, at the summer solstice, that the intervening distances between these two points of 7.2 degrees was about 1-50 of the earth's circumference, as 360-50ths equal 7.2 degrees.

Aristarchus of Samos, 270 B. C., was the first to maintain that the earth moves around the sun, taking as a basis, the explanation of the phasing of the moon, in its revolution or orbit around the earth, assuming that when the moon was exactly midway between the new and full moon, that is, a quadrant from the sun, she would be somewhat more than a half a moon, and the place, when the moon was dichotomised (that is, was an exact semi-circle, or seemingly cut half in two, the bright part being bounded by a straight line) would depend upon the sun's distance from the earth, which he calculated to be 18 times greater, but which we now know, is 400 times the moon's distance from the earth. However, Aristarchus deserves great credit for his discovery and attempt to measure the sun's distance. His theory was correct.

Hipparachus, 156 B. C., studied astronomy at Alexandria, and used the Armillary sphere, which shows the earth to be a sphere, the 12 signs of the zodiac, divided into 360 degrees and the relative position of the earth's satellite, the moon. Thus it seems to be indubitably clear that the ancients were much wiser than we give them credit for being, and in our self-complacency and egotism, of the present era, many of us think that we have acquired the entire dowry of the goddess of wisdom, but the

truth of the matter is, we do not know "straight up," for if we knew "straight up" we would understand astronomy and would possess the key of great wisdom.

About 2450 years B. C. when the sign Taurus, at the vernal equinox, passed out, (it requiring 2150 years for a sign to pass one of the cardinal points), and Aries opened the vernal equinox (Aries passed out 300 years B. C), another division of the zodiac occurred, to-wit: Each of the 12 signs were divided into three parts of 10 degrees each, designated, decans; that is, the whole zodiac contained 36 divisions of 10 degrees each, among which the 7 planets were apportioned. The domicile of the sun was in Leo, and the domicile of the moon was in Cancer; each of the other planets was possessed of two signs; Mercury possessed Gemini and Virgo; Venus, Taurus and Libra; Mars, Aries and Scorpio; Jupiter, Pices and Sagittarius, and Saturn, Aquarius and Capricornus. Each planet had an equal number of decans (decan equals 10 degrees) except the first, Mars, who opened and closed the series of planets, *repeated* five times, and therefore had one more decan than the others. This subdivision of the zodiac was not perfected until after Aries (the Ram) became the sign at the vernal equinox, and as Aries passed out and Pices opened the vernal equinox, in the year 300 B. C., this subdivision of the zodiac occurred sometime between the years 300 B. C. and 2450 B. C. As the domicile of Mars was in Aries, he therefore opens the series of decans and closes it; the planets following each other in succession, five times in the order following: Mars, Sun, Venus, Mercury, Moon, Saturn, Jupiter and Mars again.[6] Three planets were assigned to each sign, each planet occupying 10 degrees. A genius or god was assigned to each decan, that is, there were 36.

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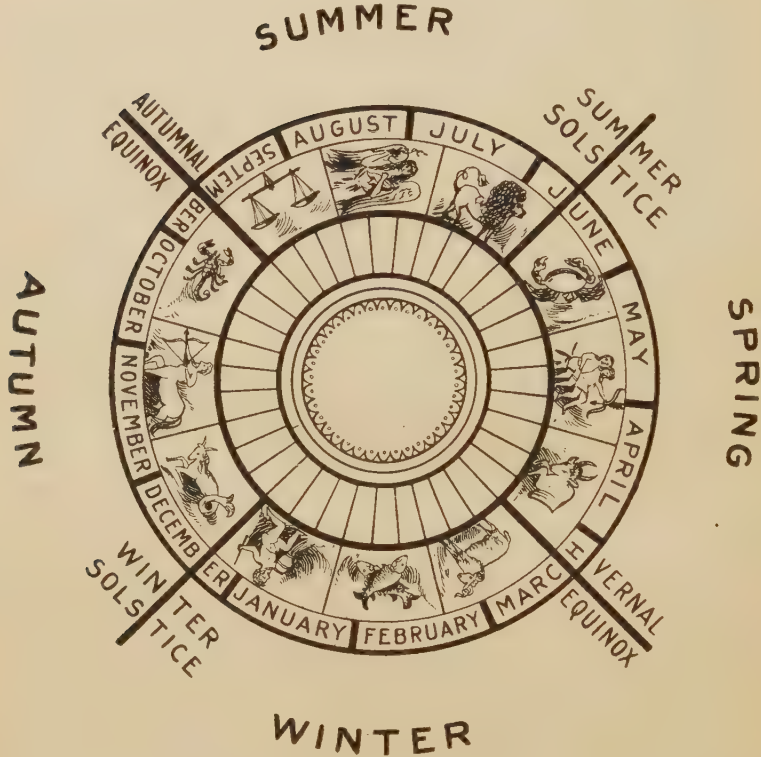
[6]The seven planets known to astronomers before Copernicus were Mars, Sun, Venus, Mercury, Moon, Saturn and Jupiter, the sun and moon then being regarded as planets.—Editor.



The zodiac of Denderah (extant) showing the later division of the zodiac about 2450 B. C. when Aries was the sign at the vernal equinox.

Under this division the 12 great signs comprising the circle of living creatures, (wheel within a wheel-vide Ezek.), were divided into three (3) divisions each. The 12 signs comprising 36 divisions, of 10 degrees each, called decans, (deci.) There were originally 48 constellations or celestial figures, 12 of which were the zodiac, hence, it necessarily follows that there were 36 other asterisms outside of the zodiac, and these were the *Paranatellons* of the 36 decans, e. g. The paranatellon rises when the sign sets, and vice versa, (e. g., the rising of cancer was known from the setting of Corona Borealis).

The Persian and Hindoo spheres show this division of the zodiac, that is, 36 divisions of 10 degrees each, and history records that ancient Babylon traded by caravan with India, hence, the Hindoo sphere of 36 divisions is readily accounted for. Inasmuch as the stone disc found in America has this same division, i. e., 36, and the 36 half circles upon the dial are radially in line with the 36 decans of the Dendera zodiac and the symbol of the *holy yoni* upon the reverse, a symbol common throughout India in ancient and modern times, it may well be said that the correlation is complete.

THE SEASONS.

Winter solstice, December 22nd, is the shortest day in the year, that is, the time when the sun reaches its farthest point south. The turning movement begins here, and the sun begins its northern journey, arriving at vernal equinox, March 21st, when day and night are equal. Spring begins. The sun continues its northern journey, arriving at summer solstice, the longest day in the year, June 21st. The sun here reaches its farthest point north. Summer *begins*. It now begins its southern journey, and the days gradually become shorter each day, as the sun rises and sets a little farther south each day, until it arrives at autumnal equinox, September 23d, and again day and night are equal and autumn begins. The sun continues setting a little farther south each day, until it arrives at winter solstice again. This is the progress of the seasons. This apparent passage of the sun is caused by the apparent careening of the earth. At winter solstice the north pole is pointing from the sun 23 degrees 27 minutes. At summer solstice, the north pole is inclined towards the sun 23 degrees, 27 minutes, making a total of 46 degrees, 54 minutes, that the poles describe in the earth's orbit. As the earth in its orbit gradually performs this apparent swinging movement the days lengthen and the nights become shorter, from winter solstice to summer solstice, (north of equator, and the reverse south of equator), and from summer solstice to winter solstice, the days gradually become shorter, and the nights longer. This is why the sun rises and sets in the northeast and northwest in the summer, and rises and sets in the southeast and southwest in the winter. The four seasons, or the cardinal points were represented by the *genii* of the seasons, which were called the Corner Keppers, standing imaginarily at the four corners of the heavens.[7] When the cardinal points were in the constellations, Leo, Taurus, Aquarius and Scorpio, the ancient astronomers objecting to the significance of Scorpio, substituted the constellation in conjunction therewith, which is known as Aquilla or Flying Eagle.

Note—The small circles within the half circles of disc in the center of illustration on cut are an error of the lithographer and are not shown upon disc.—Editor.

[7]Ezek. i chap.; Rev. iv-7.

In the allegorical astronomy of the ancients, the genii of the seasons were designated as "beasts," and as such, we find them referred to in Rev. iv, 7 (q. v.).

THE PRECESSION OF THE EQUINOXES.

The precession of the equinoxes is caused from the fact that the sun does not return to his former place in the heavens of the preceding year by 50-1-4 seconds of a degree. In falling behind 50-1-4 seconds annually, this would amount to 1 degree, within 71.66 years, i.e., a sign would pass through 1 degree in 71.66 years. By multiplying 71.66 by 30 degrees of a sign we find that the sign would pass the cardinal point within 2,149.80 of a year approximately 2,150 years. Each sign requiring 2,150 years to pass the cardinal point, 2,150 x 12 signs equal 25,800 years approximately the time required for the precession of the equinoxes.

The various magazine and newspaper articles contributed by the author, as well as his original researches, have had as the chief object in view the exploding of the fallacy heretofore accepted that the Mound Builders, as the people were called, who inhabited this region prior to its occupancy by the various Indian tribes were none other than American Indians, i. e., that the American Indians were the Mound Builders. This a certain coterie have attempted to prove from the standpoint of anthropology, ethnology, geology, skeletology, morphology and glacial crania maintaining a careful and studied reserve anent ancient stone monuments and their accompanying symbols, as well as ignoring contrary cumulative evidence, (as is exemplified by botanical researches, harography and horometry). For instance, the author has in his collection a stone disc wrought of jasper, and two statues, male and female.[8] The obverse of the disc is geometrically divided into 36 divisions, (half circles) of 10 degrees each.[9] In the ancient astronomy of the Egyptians the sun and moon

[8]Publica. Ark. Hist. Ass'n, I. 455 ff.

[9]The stone disc here referred to by Mr. Stoddard was found in the spring of 1901 by Mr. W. M. Almond while plowing near Menard's Mound, which is located about eight miles from Arkansas Post. For a fuller interpretation of it see Publications of the Ark. Hist. Assoc., I., 455.—Editor.

discs, taken together or collectively, were used as a unit of measure to represent one degree in the arc of the sky, that is, circular measure; and as the daily elevations of the sun equal 15 minutes daily, half moon symbols were used to represent the 15 minutes daily elevations of the sun in its passage from winter to summer solstice, as the sun and moon discs, together, represented one degree; e. g., the American stone or astronomical chart has upon the obverse, 36 half circles, or moon symbols; each half circle would represent 15 minutes, (the sun's daily elevation from winter to summer solstice) 15 minutes multiplied by 36 (the number of half circles or moon symbols on the American stone) equals 540 minutes, divided by 60 minutes (i. e. one degree) equals 9 degrees. In making this calculation the 36 half circles or moon symbols, comprise one complete circle, hence, allowing each half circle to represent 15 minutes, the complete circle of 36 half circles or moon symbols, would stand for just 9 degrees.

This is confirmed by the fact that this stone when used as an astronomical chart also correctly indicates the passage of the sun, from winter solstice to vernal equinox, that is, 23 degrees and 27 minutes; thence to summer solstice, 23 degrees and 27 minutes; total, 46 degrees and 54 minutes. When used as an astronomical chart to indicate sun elevations each half circle indicates 10 degrees, or 40 days, as the period of sun elevation is 182 days, and the period of graduation from summer solstice to winter solstice is 183 days. The geometrical year of the Egyptians, the first recorded year in the history of the world, was 36 weeks of 10 days each, and for a period of 1,000 years before Christ they did not use an intercalary, or, as they termed it, an epigomea, hence in reckoning the sun elevations upon the stone, a year is considered as 360 days. The sun elevates itself in the arc of the sky in its passage from summer solstice to winter solstice, 15 minutes daily, or one-fourth of a degree; requiring four days to elevate itself one degree. In its apparent passage from winter solstice to summer solstice, it describes one-eighth of the circle or arc of the horizon. So, it clearly follows that four and one-half half circles on the stone is one-eighth of the circle of 36 half circles, i. e., each half circle represents 10 degrees or 40 days; hence, four and one-half half circles represent

45 degrees sun elevation, or 180 days. As 180 days, divided by four (it requiring four days for the sun to elevate itself one degree) equals 45 degrees. Thus we find a significant mathematical harmony in the fact that, four and one-half half circles equals 180 days, that is, the passage of the sun from winter solstice to summer solstice, and the four and one-half degrees representing one half of the complete circle (that is, winter solstice and summer solstice points; see Fig. 1) of 9 degrees comprised of the 36 half circles or moon symbols, representing 15 minutes of the sun's daily elevation.

Again, the passage of the sun from winter solstice to vernal equinox, is represented upon the American stone by two and one-fourth half circles; from vernal equinox to summer solstice point, the passage of the sun is also represented by two and one-fourth half circles upon the American stone; from summer solstice to autumnal equinox (period of gradation) also, two and one-fourth half circles, and from autumnal equinox to winter solstice, also, two and one-fourth half circles, upon the stone; total, 9 half circles.

This exactly corresponds with the distance between the four cardinal points, when the half circles upon the stone, are considered as representing *half moon symbols, each of which represents 15 minutes daily elevations of the sun,* e. g. as heretofore stated the 36 moon symbols of 15 minutes each, equals 540 minutes, or a total of 9 degrees. It is therefore very clear that the four cardinal points, as illustrated upon this arbitrary circle of 9 degrees would be equi distant, two and one-fourth degrees, which is analagous to the two and one-fourth circles, the distance between the four cardinal points, when the stone is used as an astronomical chart; each half circle representing 10 degrees or 40 days.

The stone also indicates lineal measure. Each half circle is just one inch in diameter and in order to denote diurnal time, the disc must be divided by an equinoctial line, representing day and night. Therefore there would be 18 half circles above, and 18 below the line. Eighteen half circles above the line would represent 18 inches, the ancient Babylonian cubit (vide Ezekiel), and the 18 half circles below the line would represent also 18 inches, or a Babylonian cubit. Added together, this indicates 36 inches, the basis of English measure, and correctly measures

leagues, miles and kilometers. Each half circle equals one inch, equals two and one-half cubic centimeters. Thirty-six inches equals 90 cubic centimeters. One millileter equals one cubic centimeter, ten millileters equal one centimeter; ten centimeters equals one decimeter; ten decimeters equals one meter.

As to the questions which might be propounded, why was this calendar stone found in this particular location, and again why was it left there by the former owners? The following is offered tentatively: The location is ideal, considering that these ancient people were familiar with the process of reckoning time by degrees, as they certainly must have been, else they perforce could not have wrought this geometrical disc. This potent fact is indubitably clear, as is made apparent, as follows: First, the temple mound contiguous to which the disc was found, as is shown by the map, is about 15 miles west of the 5th Principal Meridian line, which variation is very slight, especially when considering the fact of a change of latitude of 7.1 degrees within the last 5,000 years, on account of the progression of the Poles. A variation of only 15 miles from the 5th meridian line, 34 degrees north latitude, 91 degrees, 15 minutes west longitude would only make a difference of 1 minute equinoctial sun time, therefore, the dial would indicate time here, exactly as it would at Cairo, with the exception of 4 degrees of latitude, which would make the days 16 minutes shorter at Cairo at winter solstice.

MOUND BUILDERS. THE ANCESTORS OF THE AZTECS.

Everything indicates that the Aztecs came from the north. Their codexes, legends, and monuments leave no choice of opinion. That they progressed, not only in civic organization, and art, but in astronomy as well, is clearly demonstrated by their calendar; their astrologers having met to correct the calendar in the year, *one Flint* corresponding to 29 B. C.; their first *intercalation* having taken place sixteen centuries before the arrival of the Spaniards. If they perfected their calendar system, and perforce they did, it logically follows that their calendar as it now exists, had a prototype, e. g., their year consisted of 360 days, 18 months of 20 days each, divided into 4 weeks of 5 days each, with an intercalary.

The Egyptian year consisted of 360 days of 36 weeks, of 10 days each, with an intercalary. Thus it is apparent that the chief difference between the Egyptian and Aztec year was that the Egyptian had 36 weeks, the Aztecs 72 weeks. The Egyptian week was 10 days, the Aztec week was 5 days.

The Aztec calendar was more perfect than the Egyptian, and even more perfect than the Gregorian, for we lose a day in every 3,866 years, under our present calendar system, and it would have required more than 5,000 years for the Aztecs to lose one day. Therefore, the Aztec calendar being more perfect than the Egyptian might have been derived from the Egyptian, and as the sun-dial of Menard's Mound is unquestionably of Babylonian, Hindoo or Egyptian origin, it is not only possible, but more than probable that the ancestors of the Aztecs possessed this calendar stone and dial as their year cycle. The evidence seems to be incontrovertible. Facts are not faults. The cumulative evidence tends to prove that this American calendar stone was the prototype of the Aztec calendar stone, as its correlation with the Hindoo, Egyptian and Persian sphere of 36 divisions of 10 degrees each, is complete.

The diagram of the calendar stone speaks for itself, as you will note, that each of the decans or 36 divisions of 10 degrees each are radically in line with the half circles; i. e., the 36 decans of the Denderah zodiac are radially in line with the 36 half circles of the ancient American calendar stone. This mute stone lifts the veil of obscurity and is the key that unlocks the portals of the past of ancient America. It solves the ancient mystery of the American continent. "That which is apparent may or may not be as it seems; that which is *evident,* is a *fact.*" It is quite inconceivable that the prehistoric Americans who wrought this stone disc, could have accidentally complied with all the conditions surrounding it. They must have been thoroughly familiar with the astronomy, mathematics, religion and mysteries of the East. America and Asia in the childhood of their civilization were united in their science, art and religion. Moreover botany apparently supports this view.[10]

[10]It is certain, moreover, that among the Polynesians the cocoanut is a cultivated plant no less than the yam, taro, sweet potato, sugar cane, banana, bread fruit, and numerous other species found in use

BOTANICAL RESEARCHES.

In the face of a preponderance of evidence, contrary to their views, this select coterie continues to maintain their unenviable and untenable position; writing their views in an ambiguous and periphrastic manner, and setting themselves up in opposition to the theory that the culture, art and religion as is evidenced by the ancient monuments, legends, specimens of ceramic art, and symbols which in many instances are identical with those of Asia, were not influenced by contact with Asia or intercommunication therewith. Relative to botanical researches, the author cannot do better than to cite the following: "Food Plants of Ancient America," by J. F. Cook, United States Department of Agriculture, annual report Smithsonian Institute, 1903, pp. 481-482-484-485-494-495, excerpts of which are herewith given, to-wit:

The agriculture of the Polynesians was, however, no less wonderful than their seamanship, and was certainly not less important to them, since the coral islands of the Pacific are not only deficient in indigenous plants and animals suitable for food, but the natural conditions are distinctly unfavorable to agriculture. The agricultural achievements of the Polynesians become even more impressive when we reflect that so many of their cultivated species were not propagated from seeds, *but from cuttings.* These must have been carefully packed, kept moist with fresh water, and protected against the salt spray, to survive the long voyage in open canoes. A list of 24 species of plants believed to have been

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throughout the tropical islands of the Pacific. An especial interest attaches to the cocoanut in that there are adequate botanical reasons for believing that it originated in America, the home of all related palms. See the origin and distribution of the Cocoa Palm, contributions from the U. S. National Herbarium, Vol. VII., No. 2, Washington, 1901. Cheeseman, Trans. New Zealand Inst. 33; 307-308, 1901. Flora of the Hawaiian Islands, Introd., p. XVI., 1888.

Professor Schumann of Berlin has recently recognized the prehistoric introduction of *Heliconia bihai* from America to the Pacific Islands. Originally native in tropical America, but extensively naturalized since very ancient times *(uraltan Zeiten)* in Polynesia and Malayia, (Schumann and Lauterbach, Die Flora der Deutchen Schutzgebiete in der Sudsee, 224, 1901.)

Keane (Man, Past and Present, p. 250 et seq.) considers the language of Madagascar to be Polynesian rather than Malayan, and holds that the similarities between Madagascar and Arabia are not due, as has been supposed, to a recent contact during the Mohammedan period, but date back to the ancient Minaeans and Sabaeans, maritime peoples, who had commerce with India, and who are now supposed to have worked the prehistoric mines of the South African "Ophir." The similarity of Polynesian culture to that of ancient America has been discussed at length in Lang's Polynesian Nation, Ellis's Polynesian Researches, and Rutland's History of the Pacific.

brought to the Hawaiian Islands by prehistoric colonists is given by Hillebrand. This number, however, must be greatly increased, since there were many varieties of the sweet potato, taro, sugar cane, and banana. Moreover, the Hawaiian group is scarcely more than subtropical in climate, and lacks numerous seedless sorts of the bread fruit, yam, taro, and other plants of the equatorial belt of island, so that a complete enumeration of the species and varieties carried about by the early Polynesians among the islands of the Pacific would include nearly 100.

Our knowledge is far from complete regarding even the present distribution of the principal tropical food plants, but the need of further investigation should not obscure the striking fact that several of the food plants with which the Spaniards became acquainted in the West Indies were also staple crops on the island and shores of the Pacific and Indian oceans, and even across tropical Africa. Ethnologists will not deny that in the Old World this distribution was the work of the remote ancestors of the Polynesians, traces of whose presence have been found distributed over the area included between Hawaii, Easter Island, New Zealand, Formosa, Malaya, Madagascar, and even across the African continent. We have not been provided, however, with any explanation of the existence of these food plants in America, for ethnologists do not admit that the eastward migrations of the Polynesians reached this continent, but hold that the tribes, languages, customs, and arts of the American Indians are of truly *indigenous development, not imported from Asia or elsewhere,* as so frequently and variously conjectured. The American origin of agriculture could ask for no more striking testimony from Old World archaeology and ethnology than the recently discovered fact that the primitve culture race of Babylonia, which brought "letters, astronomy, agriculture, navigation, architecture, and other arts," was "a short, robust people, with coarse, black hair; peaceful, industrious, and skillful husbandmen, with a surprising knowledge of *irrigating processes.*" It is a long reach from Babylonia to tropical America, but the community of ancient food plants will prevent biologists, at least from passing as a meaningless coincidence, the fact that these early agricultural civilizations of Asia *differed in no essential respect from those of our own so-called New World,* not even in the physical characteristics of the people, so that the same words describe both equally well. If it be found that the same taro plant was in reality cultivated in ancient Egypt, Southern Arabia, Hindustan, Polynesia, *and America, ancient human communication* between these remote parts of the world *is as definitely established as though coins of Alexander the Great had been dug up.* It is no empty fancy, but the most direct and practical explanation of concrete facts, to believe that the robust, straight-haired race may have brought from America some of the plants they cultivated in Asia. It was among such men that agriculture, navigation, and other arts of civilization reached high development in America at a very remote period. The ancient culture of the Old World left traces of no such infancy and gradual growth as these of America. Egypt and Babylonia, arose suddenly to civilizations further advanced than those of Mexico and Peru. That the Aztec and Inca empires were comparatively recent political organizations has caused many writers to forget that they incorporated much more ancient culture. For centuries still unnumbered the Andean region of South America supported crowded populations. On the western slopes of Peru every inch of irrigable land was cultivated, houses, towns and cemeteries being relegated to waste places to save the precious soil. Irrigation was practiced with a skill and thoroughness unexcelled in modern times, though by methods closely duplicated in ancient Arabia, even including the boring of deep tunnels for collecting

subterranean water. To claim that the Polynesians, Malays, Phoenicians, Egyptians, Hindoos, or Chaldeans came from America would be a careless anachronism, to say the least, for the *very terms of the problem place its solution far beyond the period in which these peoples, nations, and languages were differentiated.* It is doubly unreasonable to expect any very close resemblance of languages or arts in the tropics of Asia and America at the time of their discovery by Europeans, since change and diversification has continued on both sides of the Pacific. To accomplish the dissemination of the tropical food plants there was necessary only a primitive people with the skill in agriculture and navigation possessed by the Polynesians and Malays. It has long been admitted by ethnologists that the remote ancestors of these races did overrun all the tropics of the Old World, and the latest investigations warrant the belief that they made their influence felt also along the shores of the Red Sea and the Persian Gulf, where the civilization of the Mediterranean countries *was formerly thought to have originated.* It cannot be declared impossible, of course, *that this primeval migration from America took place at a time when there was more land in the Pacific than now,* as Belt and other geologists have held that there was, some thousands of years ago, but such conjectures are rendered gratuitous in view of the highly developed sea-faring talents of the inhabitants of the Pacific islands and of the adjacent shores of America, from Alaska to Terra del Fuego. It is no farther from America to the inhabited islands of the Pacific, than from Tahiti to Hawaii, a route traversed by the Polynesians. In ancient, as in modern times, the sea was not a barrier, but the most open way of communication between distant regions; then, as now, the boat was the easiest means of transportation known to man. In time and labor of travel the islands of the Pacific were far nearer to Peru, for example, than many of the inland regions conquered by the Incas of Cuzco. Moreover, the Peruvians told the Spaniards of inhabited islands in the Pacific, or at least gave sailing directions which enabled Quiros to reach the Low Archipelago. There was a tradition that one of the Incas had made a voyage of two years in the Pacific *and returned with black prisoners of war.* Apparently, too, they told the Spaniards that the banana was brought from this quarter, *for Acosta gathered from the Indians that it was not a native of America, but came from Ethiopia.* These historical incidents have been overlooked or *disregarded,* perhaps because such possibilities as an American origin of agriculture and a trans-Pacific dissemination of food plants have not been considered by writers on primitive man.

SUMMATION.

The ancient American calendar stone and dial correctly indicates diurnal time. It is only possible to indicate time on this stone by the Babylonian process of indicating time by degrees.

This type of dial was used by Ahaz. (vide 2d Kings, xx., Isaiah, xxxviii.) and also by Enoch. The dial of Enoch was divided into divisions of 20 degrees, equal to 80 minutes, that is, the 16 hours of summer solstice, the longest day in the year, was by this method dialed into 12 hours, e. g., 12 hours of 80 minutes each equal 960 minutes; divided by 60 minutes, equal 16 hours of

60 minutes each; thus, the 16 hours of summer solstice was dialed into 12 hours. Therefore we find that Enoch's dial was of the same type as Ahaz' dial and the ancient American dial, except that Enoch's dial was divided into divisions of 20 degrees equal to 80 minutes, and the ancient American dial was divided into divisions of 10 degrees equal to 40 minutes. Thus it is clearly proven that this type of dial was in use 1000 B. C.

The stone may be used as an astronomical chart to indicate the seasons, e. g., the passage of the sun from winter solstice to vernal equinox—summer solstice and autumnal equinoctial points. It is the key to lineal measure, also, as heretofore explained, and as a climax, the half circles upon the American stone when placed in the center of the Denderah zodiac of 36 divisions (36 decans) are *radially in line* with the 36 decans of the Denderah zodiac, Persian, Babylonian and Hindoo sphere, thus showing a clear correlation therewith. Any further evidence to prove its Asiatic origin is unnecessary. To the impartial, unprejudiced mind, the evidence sustains the author's position. If my final reward is to be declared *"right,"* I can wish for no greater boon, as I will have lifted the veil of obscurity, and dispelled the gloom of ignorance.

HISTORY OF CLARK COUNTY.

By Mrs. Laura Scott Butler.[1]

OLD LAND MARKS.

The oldest road in Clark County is the old Military road now known as the Little Rock and Washington road. This road was cut by the government for the use of the soldiers on their way to Mexico in 1846 and was also used in the moving of the Indians from east of the Mississippi to their reservations in the west. This road crosses the Caddo River at the Jacob Barkman plantation and passes on in front of the old brick dwelling. It was then that Mrs. James Barkman saw the suffering of the Indians on that terrible march. They were very hungry and the little children carried on the backs of the squaws, cried continually for food. As soon as the Indians were allowed to stop the women came to the house and in broken English begged for milk for their little ones first and then for food for themselves. The officers who had charge of the Indians allowed them to stop and camp for the night. Two of the little ones died while there and were buried in shallow graves in the woods. Mrs. Barkman did what she could to alleviate the distress of these poor people.

Another old road lies partly in Clark County. This is the Arkadelphia and Camden road. This road partly covers an old Indian trail running from Blakeleytown to Ecore Fabre. Another Indian trail runs down the west bank of the Ouachita River from old Blakeleytown to the crossing opposite Cassamassa or Cachamassa, which is the only known location of an Indian village in any part of what was once Clark County. Cachamassa and part of the trail lies now in Dallas County. Cachamassa was a village of the Delaware Indians and is not far from the old

[1]The chapter here given completes the chapter on the same subject, which appeared in vol. I. of Publications, p. 362. For a sketch of Mrs. Butler, see vol. I. of Publications, p. 327.—Editor.

battle ground of the Delawares and Chickasaws in which the Delawares were victorious and remained on the soil until moved by the government.

An old Indian trail runs through the northwestern part of Dallas County near where Willow postoffice now is. This trail is covered partly by the Arkadelphia and Pine Bluff road. Another Indian trail runs along the Ouachita River on Cox's Ridge, below Cachamassa and intersects one of the trails leading to Cachamassa. Reverend Thomas Peterson who rode with his father (an old pioneer of what was then Clark County but now Dallas County) over these trails gives the above description of them.

On Cox's Ridge there is an unusually tall mound from which Mr. George Walker, now living, has dug curious pottery and skeletons, relics of a prehistoric race. The Tate's bluff and Tulip road was an old Indian trail. This road as are many of the highways, was an Indian trail kept plain for many years by immigrants who came on horseback and afterwards, when they came in wagons, were widened for the accommodation of vehicles. In many instances these trails proved as direct as if pointed by a surveyor's compass.

In 1907, on Bearhead Island, in the Ouachita River, the smallest of arrow heads were found. Dr. Robert Wozencraft has some of these in his possession. They were used by the Indians, it is supposed, in killing small game, or as mere playthings by the Indian children. They are cut from pearl white, red and mottled flint and are very beautiful. Miss Elizabeth Butler has three of these dainty arrowheads which are made of pearl white flint. These were picked up on the Caddo River.

EXPERIENCES OF CLARK COUNTY BOYS IN CAMP AND ON THE FIELD AS TOLD BY THEMSELVES.

While the Confederate leader, General Morgan, was operating on the Cumberland River, cutting off supplies from the Federal army, Wiggins' battery was sent down the Cumberland River to intersect any Federal gunboat or transport that might attempt to pass up the river. The battery pitched tent near Betsey's landing and planted their cannon behind a breastwork of pig

iron which had been brought there from a foundry near by for shipment. Ed. Browning early one morning, heard the puffing of a boat down the river and with Rufus Hearn hurried to the landing. As they passed through the camp one of the men called out. "Where are you going?" "To take that boat," Browning answered. Soon the black smoke of the boat was seen. The two gunners waited until the steamer was near enough and called for it to land. It proved to be a transport loaded with supplies which with the crew and one passenger were surrendered to the two Confederates before the rest of the battery came up. The one passenger was a wounded Federal soldier.

At Shelbyville, Tennessee, during the battle, Wiggins' battery captured three cannon and four hundred men at a bridge. Soon after this capture the battery was ordered to cross this bridge and as the guns were passing onto the bridge one of the artillery horses was shot and fell on the bridge, blocking the way. The team behind became entangled in the harness and before the bridge could be cleared part of the company was captured.

On the public square in Shelbyville, Ed. Browning had his gun ranged on the pike where the Federals were seen advancing. A lieutenant rode up and told him to turn his gun on a house where he said some sharpshooters were lodged and were picking off our men. Ed. obeyed orders but made the lieutenant sight the gun to be sure of the right house. The gun was fired but it was not until after the war that the effects of that gunshot were known by the gunner. Long after the war Captain Munly of the 5th Alabama cavalry, who was wounded and captured in the battle, told Browning that eleven were killed and fourteen wounded in that house by that shot. Most soldiers were never certain that they fired a single fatal shot, but Ed. Browning of gun number 4 has not that consolation since more than once he has seen the result of his gun's work or heard of the fatal effect of his old rifle on the ranks of his enemy.

On November 21st during the Shelbyville campaign, while Wiggins' battery was posted on a hill, a cavalryman rode up to the gunner of number 4 and pointed out a Federal standing on the edge of a deep gorge about a mile off. A ball soon ploughed

a furrough under the man's feet, which made him and his squad fall back. The guns of Wiggins' battery soon emptied the enemy's rifle pits which were in easy range.

Dave Dickinson, then twenty years old, was shot in the leg at the battle of Shelbyville and captured. As soon as he could walk about he was allowed the privilege of the hospital grounds. While still on crutches he escaped and reached his battery just before the battle of Leverne. Though still suffering from the wound, he refused to stay out of the battle and got permission to help the gunner, Gabe Bowlin, load his cannon. Dickinson's work was to hand shells from the limber chest. He had always laughed at others for dodging shells and was noted for his fearlessness. He had the lid of the limber chest propped on his head as he reached for the shells and while in this position a shell from the enemy's guns passed close to his head. He dodged and let the lid fall on the gunner's arm. "Good Lord, Dave, I thought you never dodged?" "That came so close it jarred it off," said Dickinson, laughing as he reached for another ball.

At this battle while the battery was shelling the enemy Pole Wingo was holding his horse's bridle when a percussion shell whizzed by and took off the horse's head and left Pole holding the bridle. This was a close call but the daring soldier only laughed.

At Russellville, seven miles from Knoxville, Wiggins' battery kept a destructive fire clearing several important points of the enemy. At May's Ford, December 10, 1863, Wiggins' battery assisted by White's battery routed a brigade of Federal cavalrymen, capturing sixty men, and opened the ford for the passage of the Confederate army. On the 11th of December these batteries with great difficulty placed their cannon on a high hill in such a position as to enfilade the Federal breastworks and soon drove them from their strong position.

Lieutenant James Bryant was in charge of two guns on the Pike near Murfreesboro. The men were worn out with long fighting and asked to be allowed to lie down. To grant such a request was against orders, but the lieutenant was weary himself and in sympathy granted the request. In a minute they were asleep and very soon eight Federal cavalrymen rushed in behind their pickets and captured the entire battery. Fred Hawks

was driver of one of the guns and was slow about starting. One of the Federals ordered him to hurry up. Fred still dallied all he dared. One of the enemy held a pistol to his head and in not very polite language commanded him to drive up. Fred hurried then and in the hurry one of the guns turned over on Shackleford breaking his legs. The Federals halted as soon as they thought they were at a safe distance and were lying down when the Confederates made a charge, recapturing the entire battery. Fred Hawks asked and was granted the great privilege of escorting the very Federal who had driven him so unmercifully a few minutes before, and made him drive at the muzzle of a pistol, for all he was worth.

At Stone River there was a stockade near a bridge occupied by Federal soldiers. When ordered to surrender they refused and Wiggins' battery demolished the stockade, capturing sixty prisoners. After passing this bridge the gunners, by crawling on their knees and pushing the wheels with their shoulders, managed to place their guns in a position to command the enemy. Ben Johnson fired his gun killing two of the enemy and before another gun could be fired they ran up the white flag. The next day this battery captured one hundred wagons and teams. The teams were turned loose and ran off braying, as much frightened as their owners. The wagons were run together and burned.

Dave Dickinson was cannoneer of gun number 1. This was a dangerous place to hold and could not be filled except by the bravest and coolest of the boys. One day General Wheeler watched Dickinson at work with his gun on a dangerous part of the battle field. After the battle General Wheeler applied to Captain Wiggins for Dickinson as a courier on his staff. Wiggins refused to give him up, saying that he needed just such men at his guns.

One dark night Wiggins' battery got behind the pickets of Rosencrans' army at Cox's Hill on the Murfreesboro road and saw great numbers of camp fires burning. The captain ordered the guns fired in succession. The boys were near enough to hear what the Federals were saying. When the first shot struck them one Federal said, "Whoope, good God." They knocked out their lights quickly. After firing six rounds the battery retreated to camps without an accident.

During a duel with the Federals near Cloud's Hill, Joe Ballew was shot in the elbow, the ball passing through and coming to the surface on the opposite side. It was pulled out and handed to Joe who with great reluctance went to the hospital where Dr. Scott told him he would have to amputate the arm. A soldier could bear a wound bravely when he knew he would soon be able to fight again for his home, but to know he must go home never to return to his command was a great suffering.

Near Rocky Face, February 27, 1864, Wiggins' battery shelled a brigade of Federal cavalry, killing and wounding a great many of the enemy. Two of the batteries succeeded in reforming and renewed the attack driving the Confederates from their position. Retiring to Rocky Face, a stronger position, the Confederates forced the Federals to retire. Of this engagement the Federals reported: "They were Wheeler's flying artillery and more to be dreaded than any battery in the Confederate service."

At Shelbyville, when Ed. Browning saw that he would be captured, he told Tobe O'Baugh to take his horse and save himself if he could. Ed. was captured but thought his horse safe. But when the prisoners were rounded up who should he see but Tobe. "What are you doing here Tobe," said Ed. "Well, Ed., I wanted to see how the fight was going and they caught me too."

At Leverne two men in citizen's clothes walked up to where Wiggins' battery was stationed and pointing to where firing was going on, asked, "Who is that fighting down there?" "That is Wheeler's cavalry," said Ed. Browning. "I could take a blue coat and a pitchfork and run them all out of the country," said one of the citizens. It happened that General Wheeler was standing near enough to hear him. Wheeler turned to an orderly and said, "Put guns in those men's hands and put them on the firing line." The orderly obeyed with alacrity. At Pittman's Ferry seven thousand Federals attempted to capture the Confederate commissaries stored there. Wiggins' battery with four guns saved the supplies.

At the battle of Fort Donaldson a Confederate soldier stayed on the firing line throughout the battle though shot through the side. The same day a cavalryman was shot through the cheek, the ball plowing a gash in which a man could lay his finger, yet he

did not get off his horse during the battle. At Nashville during a battery duel, a cannon ball plowed a furrow under Rufus Dawson's feet turning him sommersault.

At Leverne a Confederate courier rode up to where Wiggin's battery was stationed and on looking at him Ed. Browning saw one of the courier's eyeballs hanging on his cheek. The dauntless Confederate instead of going to the hospital took out his knife, cut the cord that held the eyeball and throwing the severed ball on the ground rode gallantly on to his duty without getting off his horse.

Sam Rudisil was captured at Shelbyville at the bridge and while under guard a Federal soldier struck him over the head with his saber, cutting a deep gash to the skull. This outrage was committed without any provocation and is only one of many similar barbarities committed upon the defenceless by Federals. Captain C. C. Scott was so treated at the battle of Corinth, Mississippi.

Rufus Hearn and A. A. Blake were captured at the battle at Shelbyville, Tennessee. Blake was shot through the thigh during the battle and Hearn was shot after he was captured by one of his guards. They with other prisoners were confined in a two story house in Danbridge. One night Hearn heard someone groaning and knowing that other wounded Confederates were down stairs he managed to crawl down stairs to where the sufferer lay. He found that it was Blake and that he was dying. Blake gave him a book in which he had kept a diary and had written some poetry, for Blake was both a poet and musician. He told Rufus Hearn to send the book to his father in La Salle, Illinois. He said his father and two brothers were in the Federal army. Hearn wrote to Blake's father, telling him of his son's death and of the book and asked where the book must be sent. Mr. Blake wrote back that he did not want to see the book and sent the book back to Mr. Hearn. Two years later when the war was over he wrote for the book and it was sent to him. As soon as Hearn was able to walk he tore up his blankets, tied them into a rope and let himself down from a window and escaped to his command.

James Morehead was shot in the leg at the battle of Murfreesboro and suffered greatly from the wound for over forty

years. Since having it amputated he has perfect health. At McMinnsville Wiggins' battery captured six hundred prisoners. They were paroled for lack of prison room and guards.

SOME MAKE-SHIFTS DURING THE CIVIL WAR.

, It was not until after the ports along the Gulf coast had been closed that imported goods became scarce. The South was full of resources of which it had never dreamed until necessity forced the people to resort to substitutes.

Salt was one of the first imported articles that became scarce. The old salt works near Arkadelphia, after a long period of inactivity, began again the manufacture of salt. The capacity was enlarged to meet the demand and coarse white salt was plentiful until toward the last of the war the Confederate government impressed the works and detailed men to make salt for the Trans-Mississippi army. It was then that citizens found it difficult to procure salt to preserve meats and for table use, and the salting of stock became a serious question. In this emergency Mrs. E. S. Horton, had the dirt taken from the floor of the smokehouse on her husband's plantation and boiled. The dirt was then allowed to settle and the water was drawn off and evaporated. This made a dingy looking salt only fit to feed to stock. Corn was sometimes soaked in the salt water and the salt fed to the stock in that way. A bushel of salt at the salt works sold for $10 in Confederate money and was not always to be had at that price. One woman came fifty miles to buy salt and went back with only one pound and was glad to get even that much. The Confederate government kept wagons with great canoe shaped beds, hauling salt to the government commissaries of the Trans-Mississippi war department. Kettles of 200 gallons capacity were kept constantly boiling over furnaces heated by wood fires. The process of making salt went on day and night. Two crews of negroes, impressed by the government for the business, worked alternately. Negroes cut and hauled the wood for the furnaces.

Beaten biscuit only were found on the dining tables of the South. A table made from a heavy block of wood one and one-half by two feet, was made of hard wood, cedar preferred, and stood in every kitchen, covered by a clean cloth when not in use.

Upon this block dough, made of flour, lard and salt, was laid and beaten by a pestle until light and flaky and then baked in large ovens before a broad fireplace in which logs of oak and hickory wood had been allowed to burn into hot coals. Soda biscuits were considered unhealthful but soda for other purposes was in demand. Soda made of the ashes of cobs, ash or hickory wood took the place of the imported article.

Flour, though not a necessary article of food in the South, supplied many luxuries for the tables. The dampness of the southern climate caused rust and blight in wheat and only a dark grade of flour could be made from it. The South had always imported its flour and only crude machinery was used by the grist mills to grind the native wheat. Those who were fortunate enough to procure a barrel before the southern ports were closed paid fifty and in some cases more than fifty dollars in Confederate money for it.

The South was indebted to the negro cooks for excellent corn bread, egg bread, waffles, muffins and corn lightbread and so suffered little by the blockade.

Molasses was easily substituted as sorgum and sugar cane grew well in the South; sorghum in the cooler climate and sugar cane in the Gulf states. A sorghum mill, crude but effectual, was put up on every large plantation. As long as there was money to buy or cotton could be exchanged for sugar, Arkansas was well supplied, but transportation toward the close of the war became difficult and unsafe and those who had not been fortunate enough to supply themselves used molasses made of the sorghum cane in its stead. Fruit was preserved in molasses.

A good substitute for the imported starch was made from wheat. The wheat was soaked in water until it was soft and then rubbed between the hands until the starch was washed out of it. The water was then strained and allowed to settle. All the starch would settle to the bottom of the vessel where it formed a white cake. The water was then drained off and the starch spread out to sun on white cloth. It dried into hard lumps and was put up for use.

Buttons were made of bone, horn and guttapercha. Old combs furnished the latter material. Pieces of gourd were cov-

ered with the material of which the dress was made and formed a trimming for the homespun dresses. Buckles and hair pins were made of horn and buckles for trimming hats were made of shells and were beautiful. The young Southern soldier spent many pleasant hours making guttapercha rings for "The Girl I Left Behind Me." Silver and gold sets in the shape of hearts and clasped hands were inserted in the black material and were more appreciated by the recipient than the diamond she already wore.

Needles were scarce and a woman who had all the numbers was to be envied and was often called upon to loan. If a needle was misplaced the whole family joined in the search for it. A coarse needle for sewing homemade carpets and other heavy sewing was made from knitting needles or of umbrella ribs, of which there seemed to be a good supply. Hair pins were made by bending knitting needles.

Calico, when it could be bought at all, cost one dollar a yard in gold or silver. A pink and a blue linen brought from Texas in 1863, cost five dollars a yard in Confederate money. Sea Island cotton was cultivated for making the finer quality of homespun cloth. The cotton was picked from the seeds to insure a long fiber so necessary for the fine cloth and sewing thread. One girl made her bridal trousseau of the finest of white homespun in which to marry her soldier sweetheart when he should come home on a furlough. Homespun thread was used with which to embroider the dress.

Hosiery had been knit in the homes every since colonial days but these were of cotton or wool, lamb's wool being preferable for winter wear. Mr. Joe Key of Holly Springs, Dallas County, opened a carding factory, where those who wished could have the wool carded into long rolls which spun much finer thread than rolls made by hand cards. Mr. Key added a cleaning machine to his mill which removed all dirt, trash and burrs from the wool. He carded the wool on shares when the owner preferred and as he made both cotton and wool cloth to sell he also bought a great deal of wool. When wool hats became scarce Mr. Key began the manufacture of cotton and wool hats for men. He made a few beaver fur hats but the price was so high for beaver hats that the sale was limited.

Cloth with cotton warp and wool filling, called linsey, was much used for the servant's winter clothing before the war, and was adopted by all classes during the last years of the war. It was usually much finer for the mistress than that worn by the maid. Blankets and gay colored counterpanes were made of wool dyed red, blue and green. Nearly every home in the Southland of the present day has beautiful specimens of this peculiar pattern.

Of all the lost luxuries none so worried the house-keeper as did the absence of coffee. Many substitutes were resorted to but none of these ever filled the place of the rich Java and Moccas that were considered a necessity. Rye, wheat and sliced sweet potatoes were toasted and a few grains of the carefully hoarded imported coffee were mixed with the substitute to give it just the taste of the real. House-keepers vied with each other in their effort to make the best substitute and deceive the guests into believing their cup of coffee was real.

The demand for paper far exceeded the supply and our mails brought newspapers printed on wall paper. Mr. James Skillern of Arkadelphia has a copy of a Richmond (Virginia) paper, printed on wall paper. This copy contains the account of the fall of Richmond and the last words on a partly blank column record the effort the proprietor and printers were making to escape. One more daring than the rest must have set up those words. The strangest part of it all though is that it reached the subscriber and though yellow with age is legible.

Ropes were made of homespun thread. Three windlasses were fastened through a board which was nailed to a tree. One windlass at a time was turned until the thread was twisted. Then all three being turned together made the rope, whose other end was fastened to a stake driven in the ground.

Home made blankets, suits of jeans, cotton or wool socks, shirts and underwear were ever kept ready to be sent to the loved ones at the front by some soldier who came home on a furlough or was nearly well enough of his wound to return to his command. Besides those for the loved ones clothing for others who might need them was sent whenever possible.

The woods were full of medicinal herbs but the form in which they were administered was a bitter dose for the poor sufferer. For instance chills were cured by drinking dogwood and poplar bark or peach and cherry bark teas. This tea was made by boiling the bark to a strong tea and administered in half tea cup doses. The medicine was very effective, but horribly bitter and more than took the place of quinine in taste.

Every plantation had its negro shoe maker but he only made shoes for the slaves. When fine shoes from northern factories were no longer procurable the shoe maker made his master's family's shoes of kid or goat skin. Calf skin was used for coarser shoes. There was such a great demand for well tanned leather that many conscienceless tanners sold hides from the vats that were only half tanned. When made into shoes they looked innocent enough but they were made for dry weather. If wetted they would stretch, but if allowed to dry while not in use, it was impossible to get them on again until they were soaked in water.

Palmetto swamps are found in many places in the South. There is one in Dallas County twelve miles from Arkadelphia. From the palmetto the ladies made themselves beautiful hats. The young palmetto was pulled out of the ground and in this state it was a cream color. It was then laid in the dew to bleach. When white as desired it was plaited in either plain or fancy plaits and sewed into any desirable shape. Threaded palmetto made the plumes and rosettes for the hats. Wheat and oat straw was made into hats where palmetto could not be procured. Straw was not as durable as palmetto, nor could it be bleached so white.

Ribbons disappeared entirely, but colored dress braids were plaited into rolls for the hair. Silk hair nets worn by school girls at the beginning of the war were replaced when worn, by nets made of horse hair. White horse hair nets strung with pearls or white beads made a pretty net for wearing to receptions and concerts. Toilet soap was made of mutton suet and lye. Distilled rose water or sassafras perfumed the soap.

House-keepers of all times are fond of pretty table ware. White china with gold bands was much prized the first years of the war, but poor clumsy "Julie Ann" soon made these disap-

pear and the only substitute for broken china was ugly brown pottery. Pottery manufactures sprung up in every county from which crude brown ware was made. White clay was not so easily found as the brown, and ware made from it was more costly. The pottery makers were not so fortunate as was Robinson Crusoe; they did not learn to glaze the ware as it is done now and the porous ware required boiling in lye occasionally to keep it sweet and clean.

The knives and forks, like the china ware, gradually disappeared and the Arkansas traveler's outfit, "Big Butch, Little Butch and Old Cob Handles," flanked the brown pottery dishes laid on bird's eye linen table cloths and happy was the house-keeper who had enough of these to go around. Many homes were robbed of all silver ware by the Federals on their raids through the State. Mrs. J. R. McDaniel was robbed of silver knives, forks, spoons and silver service upon which her monogram was carved. On the morning that General Steele entered Arkadelphia Federal soldiers went to her home, ransacked the house, taking everything they wanted and with other things this silver ware. What they did not want themselves they handed out to the negroes. This is one of many like instances in Clark County.

Beautifully woven white counterpanes took the place of the worn out Marseilles of ante-bellum days. Richly embroidered counterpanes, whose stitches are today copied on much of the drawn work, are still owned and valued highly by the possessors as relics of the handiwork of Southern women during the war.

Sperm and wax candles of northern manufacture soon gave out but there were still living many women whose mothers had lived through the trying days of the Revolution and had taught the daughters the art of candle making. Nearly every family possessed a set of candle molds with which tallow candles for kitchen use were made, but wax candles were imports. To supply the loss wax was bleached and colored or left white and molded for parlor or hall. The pure tallow candle was serviceable for winter use but for warm days wax must be melted with the tallow to make it firmer.

Rough looking hair brushes were made from hog bristles and while less elegant in appearance were more serviceable than many of the costly ones of today.

The finest dress material was made by picking old silk dresses to pieces and carding the fiber with cotton and spinning it into fine thread and weaving it into cloth. Black silk and cotton mixture made a beautiful gray material and very durable.

The old winding blades made the winder count every round of one hundred and forty four rounds of thread to the cut. This cut was tied and another begun and woe to the poor winder who forgot her count. Some inventor to whom a monument should be raised, invented a clock reel and all the winder had to do was to turn until the clock struck and she knew by that, that a cut was wound on the blades. Five cuts made a hank of thread and that these hanks be accurate was of importance to the warper who attempted to warp the thread to a certain number of yards and a given width.

HISTORIC HOMES.

One of the pioneers of Clark County was William F. Browning. He came to Clark County in 1842 and settled in the northwestern part of the county where Amity now stands. He built a large double log house which is still standing and is what is known as the McFadden place.

When Mr. Browning built this home there were no neighbors near him and he had to send to Arkadelphia, a distance of thirty miles for his mail. Soon people from other states moved in and Mr. Browning established a private mail route from his home to Arkadelphia. He sent one of his negroes or his son to Arkadelphia once a week for the mail, bringing the mail of all the neighbors without charge. He called his end of the line Amity and the town which has grown up there still goes by that name. A few years after the first mail line was established at Mr. Browning's home a neighborhood of settlers bought lands between Arkadelphia and Mr. Browning's. He had his negro carrier or his son to take up the mail at that place and soon gave it the name of Alpine, by which name it is still known. No charge was made by Mr. Browning for delivering or taking up the Alpine mail. Here in the wilds of a new country is found an incident which shows what neighborly kindness meant in the settling of this county. Those who had the means helped those less fortun-

ate than themselves and a friendship and hospitality grew up among the citizens who laid the foundation of Clark County.

At Amity Mr. Browning built a church for the Baptist denomination and when he died in 1854 he was buried near this church, the ruins of whose foundation are still to be seen.

Mr. Browning was at one time surveyor for the county and the prettiest residence portion of Arkadelphia is in the Browning addition.

In 1833 Michael Bozeman came to Clark County and built a double hewn log house eight miles west of Arkadelphia. This house is still in good state of preservation and is occupied by tenants of the plantation. In 1845 Mr. Bozeman built a two story frame building which is now occupied by his grandchildren. He was one of the leading citizens of Clark County and served the county in the legislature of 1858. He was a man of great benevolence, noted for his hospitality and a pioneer of great value to the new county.

One of the pioneers of Clark County was Lewis Randolph, secretary of the Territory under President Jackson. Lewis Randolph came to Clark County in 1835 and, purchasing a tract of land on the Terre Noir, ten miles west of Arkadelphia, built a typical "Arkansaw" log house, brought his wife, who was Bettie Martin of the White House, and lived in the wilds of Clark County for two years. In 1837 he died and was buried near his home at a church supposed to be the one built by Mary Dickson on the first tract of land sold in the county of Clark in 1820. The church was called Mount Pisgah. None of the old graves is marked.

The old home of Judge William A. Callaway stands on a prominent street in Arkadelphia. It is a five room frame building of early architecture. Judge William A. Callaway, son of John and Amy Callaway, was born three miles northwest of Arkadelphia in 1824. Judge Callaway's parents were among the pioneers who came from Missouri in 1816. John Callaway represented Clark County in the territorial legislature of 1825 and for intelligence and sterling worth Clark County never had a better representative. Judge Callaway's grandmother was Gemima Boone, daughter of Daniel Boone, who became the wife of her rescuer, Flanders Callaway who, with her father, rescued

Gemima and her sister from the Indians in Kentucky while Boone made that State his hunting ground. It was in honor of Flanders Callaway that Calloway County, Kentucky, and Callaway County, Missouri, were named. William A. Callaway was one of Clark County's noblest citizens and was honored by his county with many positions of honor and trust and at his death in 1906 he had been county and probate judge for several years. His wife, who was Emily Bevel of Athens, Alabama, deserves mention for her many acts of charity and kindness to early settlers. The children of Judge Callaway, among whom are Judge Joseph Callaway and ex-County Clerk Thomas Callaway, are honored citizens.

Callaway Hotel, the first hotel in Arkadelphia, was built in 1824. In 1845 Solomon Spence bought the hotel and until it was burned in 1878, it was the only hotel in the place.

The first surveyor, Dr. Haddock, born 1798, came to Arkadelphia and his first work was on the plantation of Jacob Barkman. He was the first surveyor for Clark County and laid off Arkadelphia into blocks which are known as the Haddock Survey of the town of Arkadelphia. He was a most eccentric man, educated but lacking in refinement. He seldom slept in the same house two nights in succession. It is said of him that he never spent a cent for board, but "sponged" upon the hospitable people, eating at every man's table and finding an occasional bed if the weather was inclement, but otherwise sleeping in the forests which surrounded the town. He was accused of burying his gold in the forests, for he kept only gold. He was thought by many to be poor, but after the Civil War he dug up his gold and went with a friend to the new gold mine in Colorado. The first night of his arrival the hotel at which he was stopping burned. He perished in the flames, though a friend with him escaped.

Whipping Post.—An old court record at the court house in Arkadelphia gives an account of a whipping post and the names of some of the victims and the verdict to the sheriff "That the offender be given thirty-five lashes well laid on."

A Notable Case.—Captain Polleys was duly elected mayor of Arkadelphia in 1868 and in August, 1869, Henry Timmons, a carpet-bagger, demanded of Mayor Polleys the "books, papers and *things*" belonging to said city, without giving any authority

for such a demand, only an order from Powell Clayton to remove Polleys and instate Timmons. Upon Polleys refusing to vacate a quo warranto was served on him. Governor Harris Flanagin and Major Witherspoon defended Polleys. The case was decided in favor of Polleys.

In 1869, at the first session of the court after the election of directors, the board which had been elected by the citizens of Arkadelphia according to law, recommended the levying of a tax of one per cent. for school purposes. The new board voted for by negroes from all over Clark County and some from Louisiana, recommended that a three per cent. tax be levied and the carpet-bag court adopted the three per cent.

At the next session of the court, then composed of different members, it levied a one and one-half per cent. tax. The circuit court began proceedings at once and a writ of mandamus was secured from Little Rock citing the members of the county court to appear before the adjourned term of the circuit court to show cause why they did not levy the three per cent. school tax.

MUSTER ROLL OF WIGGINS' BATTERY, CAVALRY LIGHT ARTILLERY.

This artilley company enlisted from Clark County in May, 1861, as Robert's battery with

Frank Robert, captain.
William Adams, first lieutenant.
W. T. Crouch, second lieutenant.
Peter Greene, third lieutenant.

The above corps having resigned the following officers were elected:

J. H. Wiggins, captain.
James P. Bryant, first lieutenant.
Wyley Callaway, second lieutenant.
Thomas Ellis, third lieutenant.
——— Blake, bugler.
T. F. Moreland, commissary.
Rufus Hearn, sergeant.
J. R. McDaniel, orderly.
Dr. Humphrey Peeke, surgeon. Peeke resigning, Dr. T. J. Scott was made surgeon.

PRIVATES.

Kin McClure—killed by Henry Hinton in 1868.
Karson Murdock—died in 1876.
Perry Horn—still living.
Pole Wingo.
Tom Eason—died in 1898.
Bob Dawson—died, 1902.
Rufus Dawson—died, 1907.
Lee Hitchcock.
Tom Jarman—still living.
John Allison—died at Bowling Green, Kentucky.
Gus Anderson—died at Camp Douglass.
Joe Anderson—still living.
Billie Adams—died, 1890.
Jake Ault—still living.
Joe Ballew—Lost an arm at the battle of Cloud Hill.
Ed. Browning—still living.
Gabe Bowling.
Henderson Boling—died in prison at Camp Douglass.
Bill Brown.
William Brown—died since the war.
A. A. Blake.
Lark Brown—died at Bowling Green, Kentucky.
Andy Barry—died since the war.
David Berry—died at Bowling Green, Kentucky.
James Berry—killed at Franklin, Tennessee.
George Carter—living at Hearn, Clark County.
Tom Callaway.
D. J. Cronin—drowned in Red River just above Shreveport after the war.
W. T. Campbell—living in Little Rock.
Pete Callaway.
Ab. Callaway
Joe Callaway.
Frank Dodd.
George Denson—living at Honey Grove, Texas.
Warren Denson.
David Dickinson—living at Saratoga, Arkansas.

Tom Edwards—died at Corinth, Mississippi.
Bob Edwards—died at Arkadelphia.
George Fairbanks.
Murry Fowler.
Ely Gather—still living.
Dave Gather.
Thomas Cary.
Cras Cary.
Ted Hawks—living near Hot Springs.
William Horn—lives on Copeland Ridge.
Ely Ham—deserter from United States army.
Bill Hughes—wounded, still living.
Thomas Hemphill—died in Arkadelphia.
Thomas Harris—discharged honorably at Pocahontas.
Ike Eason—died at Corinth.
Ben Johnson—living at Arkadelphia.
Dick Johnston—died, 1903.
David Johnson—died after the war.
Tom Jarman.
Daniel Stell—dead.
John Smith.
Mitch Mahan—lives in Brundige, Alabama.
Tom McDermot.
James Morehead—shot in leg at Helena, Arkansas. Had his leg amputated, 1906.
Thad Moreland—dead.
John Mull—killed at Shiloh.
Thomas Mountain—dead.
Wes. Meek.
James Norton—living on Copeland Ridge.
Miles Norton.
Lloyed Overton—dead.
Sam Ogle.
J. Langford.
Ed. Latimer.
Tode OBaugh.
John Philbin—in Soldier's Home, Little Rock.
R. E. Reams.
S. A. Rudisil—living in Arkadelphia.

John Ross.
Deamstead Ross—died at Nashville, Tennessee.
——— Shackleford.
Jim Story—died at Batesville, 1861.
Dick Tisdale—living in Corsicana, Texas.
William Townsend.
Henry Wier—living at Holly Wood.
George White—living at Mineral Wells, Texas.
John Vaden—living at Gurdon.
John Singleton—dead.
Ed. Randal—dead.
William Skillern—dead.
Dock Thompson.

These men are from all over Clark County and most of them were young.

RECRUITS AND TRANSFERS.

J. Langford.
Ed. Latimer—died at Murfreesboro, Tennessee.
Michael Shea.
Murry Fowler.
William Skillern—died at Pittsburg Ferry.
Ben Grace.
——— Proctor.
John Plant.
Arthur Rice.
Captain Burke.
Madison Duke—died at Bowling Green, Kentucky.
Jake Crow.
John Crow.
Bell Minyard.

AMITY.

William F. Browning was the first settler at what is now Amity, Clark County. He was the first merchant and from this store he delivered the mail brought from Arkadelphia by his son or one of his negroes. This was then a wild country with deer, wolves, bear, and other wild animals in abundance and they

were quite tame. The old inhabitants tell of going to school when they were children, and having to wait until the herds of deer crossed the road before they could pass. Hunting deer was the favorite sport of the hunters in those days. Mr. Browning's farm was on the Caddo River and he named the place Amity because of the significant meaning of the word. Brother Browning, for such he was called, was a man noted for his piety and goodness. Afterwards the post office was moved nearer the present site of Amity. Mr. Browning died in 1853 and Colonel Philander Curtis succeeded him as postmaster and served until after the war. The people of this sparsely settled country would come many miles to get their mail at this office.

SCHOOLS.

Before there was a postoffice anywhere in this country, there was a school. As early as 1845, Dr. A. B. Clingman built the finest school house in all this country, and furnished it with the best seats to be had. The house was built of logs. The seats were logs split in halves with holes near each end in which pegs were driven for supports. The pupils had no desks but kept their books either upon the floor or on their seats. This building was near the present site of Amity. Remains of that building are still to be seen.

Captain Robert Burke was the first teacher. He was well known as a hunter and surveyor. The school interest was maintained until the distant rumbling of the great war distracted the minds of the people. Schools were forgotten and interest in them was not revived until 1870. Then followed several teachers, some of whom have become prominent educators of the State. Among these were R. M. Traylor, D. T. Holmes, Prof. Amis, R. H. Parham, Clarke Baker and Prof. Burke. Prof. Burke built up a noted school. It had the reputation of being "The best school in all the land." Prof. Burke died in 1883, and again the school interest waned under the management of different teachers.

In the spring of 1891, the citizens became aroused to the importance of education. They saw that the many children of Amity and surrounding country could not be educated unless a school was maintained at home. They effected a permanent or-

ganization to be known as the Amity school board. This name was changed to board of trustees after the school was incorporated in 1895. Prof. Samuel Samson, a graduate of the University of Colorado, who afterwards pursued post graduate work in Harvard University, was chosen the first principal of this school. Under his management the school opened October 19, 1891, with an enrollment of thirty-five pupils. The last session 1907-8, enrolled three hundred and twenty-five pupils. Its graduates have attended the University of Arkansas and various colleges of the State.

Charles A. Keith, 1905, won the Rhodes' scholarship to Oxford University. Maurice Williams, 1908, was awarded the scholarship offered by the Arkansas Federation of Woman's Clubs, to the University of Arkansas. He is the first to be given a scholarship of any kind in this institution.

The Amity High School has three departments, literary, music, and elocution and reading.

The high school department enrolled for the session of 1907-8 one hundred and twelve pupils, the music department thirty-seven students, while the elocution and reading department enrolled forty students, the grammar grades, two hundred and twenty-five. The number of boarding pupils averages about one hundred each year. Board is ten dollars per month. For many years Amity has been noted for its morals and Christian influences. The educational interest has always been good. Amity, following the example of the New England colonies, made her first public building a school house and often the preacher was the teacher.

Archaeology.—This part of Clark County is rich in archaeological remains. The relics of the ancient Mound Builders are scattered along either side of the Caddo River. Arrow heads, tomahawks, pottery, pipes, and many other relics for which there is no name, are found in abundance.

"On opening of several mounds, I found basins that were used for cooking purposes. These basins were about two feet long, one foot and a half wide and five inches deep. It seems that a hole of the desired size and shape had been made in the ground in which prepared material was placed and molded. The sides and ends of these cooking basins flared uniformly.

They are very hard and the surface is smooth. Being built in the ground it is impossible to remove one without breaking it into small pieces; hence I have never been able to add one to my collection.

MOUND RELICS FOUND NEAR AMITY, CLARK COUNTY.

"They bear evidence of great heat. Sometimes the ground is burned for twenty inches beneath the bottom on the basin. In one instance the bottom of the basin was covered with a black, oily substance about half an inch thick. Thinking that it might be greased, I applied a match to a small portion which soon gave off a strong odor of burning grease. This simple test seemed to unite the distant past with the present."

There appears to be two classes of these mounds; viz: mounds in which the people lived (living mounds) and mounds used for furnaces (burning pottery, pipes). Nearly all the mounds I have excavated were living mounds. These mounds are simple in structure. They are usually built a few feet beneath the surface and corner posts were fixed to which poles were fastened by bark or leather thongs. The roof consisted of poles covered with boughs over which was thrown sage grass and then large quantities of earth. The wood, though in its original position, had distilled to charcoal.

The grain shows the wood to be pine. The floors were usually level and smooth, and sometimes they were covered with a

bluish white sand, none of which is found in this county at present.

The other class of mounds present an entirely different aspect. On opening one of these last, you are impressed with the evidence of intense heat. I will give a brief description of one I excavated:

It was a mound of medium size. The soil had washed off until a roof of a hard black substance showed. Beginning on the north side of the mound and digging a ditch east and west, a transverse section of the mound was made, and it proved to be a furnace. Three arches and the structure of the mound were exposed.

The arches were about three feet at the base and thirty inches high, separated by a wall eighteen inches high. I did not dig out the arch to see how long it was, but judge it to be about ten feet.

The arches were filled with the same material of which the pottery was made. The material in the arches appeared to have been packed solidly when soft, then burnt. There does not appear to be any reason why these arches were filled and burnt in this manner. These arches still exist in a well-defined state of preservation. If they were not used to make pottery for what were they used? There are two kinds of substances from which the pottery was made, viz: A light brick red clay and a nearly black clay. To all appearances these clays are alike except in color or shade. It appears to be pure clay.

The structure of this mound is very interesting. Over the three arches was a large arch extending across the mound. The large arch was about ten inches thick, made of the same red material found in two of the smaller arches. On top of this large arch was a layer of soil, followed by another large arch, not so thick as the former and made of the black material, another layer of soil, and another arch of red material, and so on.

The layers of earth and the arches decrease in thickness until the top arch was not more than one inch in thickness. These arches were hard and smooth. The thickness of each arch and the distance between them were as near the same as the unaided

eye could tell. Many fragments of pottery were found in the debris in front of the arches. Pipes were numerous.

In the mound described above there was found more than a dozen pipes, made chiefly of the same material as the pottery. Pipes have been found in these mounds that appear to have been made from a hard, gray, fine grained sand-stone. The Mound Builders must have been inveterate smokers.

A farmer on the Caddo River desired to make a storm house and began excavating on the top of a mound. After digging down two feet he found a skeleton, at the head and feet of which was placed a basin, and along the sides of the body were found different kinds of pottery. Five of these skeletons were found in this mound, each buried above the other with pottery arranged in a similar manner around each skeleton. The farmer took out more than a hundred jugs, pots, and jars. This pottery was perfect in symmetry, and also decorated with some attempt at the artistic. Sometimes the decoration would be merely plain bands, while on other pieces it would be criss-cross work or a wreath representing some flower. The decoration was cut in the vessel before being burned and is in no way defaced. They made no effort to use paints or stains on this pottery. I have three of these pieces of pottery.

The regularity with which the mounds were arranged, the perfect symmetry of the pottery and the implements, show a correct idea of form and a love of beauty. Something more than a savage intelligence directed their work. It is more than possible that the Mound Builders were a remnant of a once highly civilized race of people who lost their civilization through conditions under which they were forced to live.

Biographical Sketches.—Mrs. Jane P. Jones was born on the Caddo River in 1837. Her ancestors came from Germany to North Carolina. Her parents, Mr. and Mrs. A. B. Clingman, moved from Tennessee to Arkansas in 1835. She married Dr. Alfred Jones on Sunday, January 1, 1854. Mrs. Jones has lived a long life of usefulness. She reared a large family and several of her grandchildren have distinguished themselves in various professions.

Isaac Newton Runyan was born in Alabama, March 9, 1838, and came to Arkansas with his parents in the fall of 1856, moved

to Amity, 1870. He served through the Civil War in the first Arkansas cavalry, under Colonel J. C. Monroe, in General Cabell's brigade. He participated in the battles of Prairie Grove and Cane Hill and followed Price on his raid through Missouri. Mr. Runyan's greatest service to his country has been rendered by his loyalty as a citizen. His high sense of justice and his love of peace gained for him the attention and respect of all who know him. He has lived a long life of usefulness and as treasurer of Clark County made many friends.

Captain Robert S. Burke was born in 1842. He was captain of a company for four years in the Confederate army. He assisted the government in sectionizing the land of Pike, Montgomery, Hot Springs counties and a portion of Clark County. He taught the first school in Amity, 1845. Captain Burke's life was long and useful. He enjoyed the personal friendship of General Albert Pike.

John H. Jones was born in 1833, and came to Arkansas in 1845 with his parents from Mississippi. He served in the Confederate army in the first Arkansas cavalry under Colonel J. C. Monroe, in General Cabell's brigade. He was in the battle of Jenkins' Ferry. He was a useful citizen.

Dr. John F. Biggs was born in 1832. His father, Dr. A. Biggs was a prominent physician and minister. Dr. Biggs came to Arkansas in 1850 from Tennessee. He was a graduate of the Botanical College, Memphis, Tennessee, and of Electic Institute, Cincinnati, Ohio. He taught in the government schools of Coffee, Indian Territory. He represented Clark County in the legislature in 1866, 1881 and 1885. He was a deep thinker, and a profound reasoner. He delivered many lectures on theological subjects. He devoted forty years of his life to administering to the suffering. He died at Center Point in 1892.

Amity, as many country villages, has sent forth many men and women of strong character. Most of her young people have entered either the ministry, teaching profession, farming or medical profession. Only four have become lawyers. Some of the best families of the colonial period helped to settle this section of the State. They brought with them splendid ideas of culture, school, church, law and order. The character of these early settlers has been stamped upon every institution in the community,

and the schools and churches and the high standard of manhood and womanhood still continue to speak of these worthy pioneers.

GURDON.

The first owner of the lands on which Bierne now stands was Mr. Tate. He was a farmer and cultivated these lands. When the Iron Mountain Railroad was completed to this place, a townsite was laid off and named for Mr. Gordan, one of the railroad officials. Soon after this it was ascertained that there was another Gordan in the State and the name was changed to Gurdon and the site was changed to where that town now stands. The railroad was built in 1875.

The first school house in Gurdon was what is now the Christian Church and the first teachers were Mr. Ithey Nash and Mr. Fairborne.

There was a grist mill owned and operated by a negro named Robert Smith over forty years ago. It stood where Mr. Failing's residence now stands. Rev. Mr. Wililams was among the first Baptist ministers.

Rev. Sandy Winfield was the first Methodist minister and the Presbyterian church was organized in the school house by Rev. J. C. Williams. The Methodists built the first church house in Gurdon and later the Baptists built a church and the Christian membership bought the old school house.

The first store was kept by Mr. William McLelland, then followed the Normans, Keys and Halls as merchants.

The only event of special interest to occur at Gurdon is that when the outlaws, the James boys, were hard pressed by the officers they buried their stolen treasures on a lot upon which a house was afterwards built by Mr. Talley but is now owned by Dr. Cuffman. It is said that parties have dug up gold coins on that lot.

SOURCES.—The author is under obligations to many old citizens of the county for reminiscences. She mentions, in particular, Mr. Thomas Peterson and Mrs. Paisley of Gurdon, Prof. Samuel Samson of Amity, and Mrs. E. S. Horton, Mrs. Austin Crow and Mr. James Skillern of Arkadelphia.

INDEX

Administrative Report of history commission, historical policy for Arkansas, 22, 31, 35; historical work in other states, 33; law governing, 18, 26; library and museum, 37; marking historic spots, 40; old state house, 24; permanent history commission, 36; publications, 35; proceedings of commission, 20; senate bill 47, 27; state papers, 36; war records, 40.

Alabama, historical work in, 31.

American calendar stone, 536, 544-548, 551.

Amity, school at, 574; town of, 572.

Archives, care of, 36; condition of, 37.

Arkansas college, board of trustees, 98, 100-102; control of, 102, 103; course of study, 97, 108; endowment, 100, 105; financial struggles, 94-96, 107; Isaac J. Long, 92-96; library, 109; literary societies, 101; origin, 91-95; question of removal, 103-105; teachers, 111.

Arkansas County, reconstruction in, 478; corruption in, 496-505, 508, 510, 511, 515; extravagance in, 486, 490, 491, 497-499, 501-505, 513, 515; elections, 488, 492, 516, 517; illegal taxes, 500; impoverished condition, 481, 510; military removals and appointments, 484, 485; post offices, 481; railroad bonds, 506-508; registration, 487, 494, 496.

Arkansas Historical Association, constitution, 6; comprehensive policy, 14, 31; life members, 7; origin, 9; proceedings of meetings, 9; publications, 35.

Arkansas History Commission, 15; administrative report, 18; act continuing, 26; efforts to secure legislation, 18; future policy, 21, 23; funds, 22; permanent history commission, 36; proceedings of meetings of, 20; work of, 19.

Arkansas Historical Society, first historical society, 14, 346; name changed, 11; origin, 9; on pronunciation of Arkansas, 462; paper read before, 334; work of, 348.

Arkansas, pronunciation of, 425; origin of, 521, 524, 526; report of committee on, 462-477.

Arkansas Post, 334, 335, 340, 427, 430, 431, 436, 476.

Arkadelphia, headquarters of Governor Flanagin, 362.

Ashley, Chester, grave of, 256.

Asia, 536.

Astronomy, 536.

Baier, Leo, pronunciation of Arkansas, 473.

Banks, Rev. A. R., 239, 246.

Baptist schools and colleges, history of, 307-327.

Bates, James Woodson, grave of, 272.

Batesville, 93; academy, 99, 103, 105.

Baxter, Elisha, agreement with Brooks, 168, 169; dispatches to

President, 133, 143, 144, 162; elected governor, 122-125; ejected from office, 132; mentioned, 128, 131, 137, 138, 145, 154, 160, 165, 166, 170, 172; proclamations, 132, 133, 143, 162; suit against, 125, 126, 130-132; speech of, 139-141.

Bean-Mayland affair, 232, 233.

Benton, Senator, 221, 226, 227.

Benjamin, Hon. M. W., pronunciation of Arkansas, 466; sketch of, 334.

Bertrand, Chas. P., grave of, 258.

Bienville, 335-339, 342.

Blount, Gen. James G., 354-359.

Boundary of Arkansas, western, 211; acts of congress concerning, 217-220; act of 1824, 221; civil and statutory, 211, 212, 214, 217; Choctaw line, 222-228; Cherokee line of 1828, 224-226, 228; fixed by Indian treaties, 214-217, 222-227; forty-mile strip, 221, 222, 225, 226; Kiamichi-Poteau line, 213; survey of, 220, 225, 227, 228, 235, 236; southwest line, 228-236.

Botanical researches, 549-551.

Bradford, Major, 213.

Brooks, Joseph, agreement with Baxter, 168, 169; candidate for governor, 123; mentioned, 144, 145, 168, 170, 172, 267; petitions for recount, 126; quo warranto proceedings against Baxter, 125-132; proclamations, 133, 137, 143-145.

Brooks-Baxter War, appeal to the President, 133; history of, 122; location of forces, 137; in courts, 125-135; in Arkansas County, 515-518; Palarm fight, 148-153.

Buckner College, 318, 319.

Butler, Mrs. Laura Scott, 13, 551.

Byrne, Right Rev. Andrew, 426, 435, 437-440; grave of, 265.

Calhoun, John C., 220, 222, 223.

Callaway, Judge W. A., 562-567.

Calendar stone, American, 536, 544-551.

Caldwell, Judge H. C., 125, 131; pronunciation of Arkansas, 463, 466.

Carrigan, A. H., 117, 118, 301; sketch of, 114.

Catholic Church, 424; French influence, 425, 426; first period, 426; second period, 429; third period, 435-461.

Central Baptist Female College, 323.

Central Institute, 316, 319.

Cherokees, 330; grant of 1817, 216, 217, 220.

Choctaws, grant of 1820, 216, 220; treaties, 222, 223, 225-227.

Churchill, Gen. T. J., 132, 135, 151, 162, 164, 170.

Clark County, history of, 553; historic homes, 566; in the civil war, 554-559; makeshifts during the war, 560-566; mound builders, 574; muster roll, 569; relics in, 350, 574; schools of, 573.

Clay, Henry, 222.

Clay, Porter, grave of, 293.

Clayton, Powell, 49, 75, 139, 130, 147, 157-159, 161, 164, 494-496, 518, 569.

Cleburne, Gen. Patrick R., grave of, 298.

Cockrell, Sterling R., 134, 135, 257.

Coffin, James P., 100, 101, 104; sketch of, 296.

Colonies, German Catholic, 442; Italian Catholic, 444; Irish Catholic, 438; Polish Catholic, 444.

Compton, F. W., grave of, 281.

Confederate cemeteries, Camden, 303; Camp Nelson, 300; Clarksville, 302; Fayetteville, 296; Fort Smith, 306; Helena, 298; Little Rock, 299; Van Buren, 305; Washington, 301.

Confederate manufactures, history of, 198.

Confederate roster, 34, 40.

Conger, President, J. W., 320-322.

Coutoure, 335, 522.

Convention, constitutional, 1868, 489, 490; state Baptist, 307-327.

Conway, Elias N., grave of, 267.

Conway, James S., 349, 353; grave of, 254; message of, 234, 235; surveys Choctaw line, 223, 224.

Conway, Henry W., grave of, 254; in relation to western boundary, 222-224.

Conway, John R., 235.

Cook, Col. V. Y., 7, 12, 13.

Court martial, 384, 392, 394, 402, 405, 411, 418, 422.

Cross, Edward, 346, 352; grave of, 278.

Crozat, 336, 337.

Cummins, Ebenezer, grave of, 276.

Cummins, William, grave of, 275.

Daughters of Confederacy, 302, 303, 305, 306.

Disfranchisement, 175.

Dodd, David O., 531; capture, 532; execution, 533; grave of, 289; poem, 534.

Dodson, E. W., sheriff of Pope County, 176, 180-185; murder of, 197, 198.

Dorsey, Rev. J. O., 523-525, 527, 530.

Dorsey, Hon. S. W., 129, 157, 160, 164, 518.

Downs, Henry B., 220.

Drew, Gov. Thos. S., grave of, 295.

Eagle, James P., grave of, 270; work in Baptist Convention, 313, 318-321.

Eakin, Jno. R., 117; grave of, 284; pronunciation of Arkansas, 463, 466, 471.

Egypt, 537, 538, 540.

English, Elbert H., 135, 136; attorney, 480; grave of, 130, 286; pronunciation of Arkansas, 466.

Fagan, Gen. J. F., 167-169, 355, 356, 363, 376, 531.

Fitzgerald, Bishop, 436, 440, 441, 450, 455-458.

Flanagin, Harris, grave of, 267; official orders, 362, 369-423.

Fowler, Absalom, grave of, 289.

French, "black code," 342-344; history of, 334; influence on Catholic church, 425-429; influence on name of the State, 463-477; laws of, 341.

Ft. Smith, 213, 223, 228, 306.

Fulton, William S., grave of, 257.

Garland, A. H., 42, 116-118; aids Gov. Baxter, 132, 135, 136, 145, 162, 291.

Garland, Rufus K., grave of, 278.

Graves of eminent men, 254.

Grant, President U. S., in relation to Brooks-Baxter War, 143, 144, 156-159, 162, 165, 518, 519.

Greenwood, A. B., grave of, 282.

Gurdon, town of, 579.

Gunter, Col. T. M., grave of, 260.

Habitat of Quapaw Indians, 521.

Hadley, Gov. O. A., 129, 187, 191, 194.

Halley Rifles, 134, 147, 148, 151, 153.

HalliBurton, William H., 478-480.

Hanley, Thos. B., grave of, 279.

Hartt, G. C., pronunciation of Arkansas, 468.

Hartzog, President H. S., 322.

Harrison, Judge William M., 122, 125, 479, 485, 486.

Hempstead, Fay, 13, 14, 17.

Hempstead County, civil war, 118; Confederate troops, 119, 120; early days, 114; early legislators, 116; original boundary, 219; state records, 120.

Hempstead, Samuel H., grave of, 290.

Henry, Rev. John, grave of, 285.

Heron, Gen. F. J., 354, 255, 357, 359.

Hickox, Wallace H., 176, 180-183, 198; killing of, 184, 185.

Hinemon, Gen. T. C., 42; at Prairie Grove, 354, 355, 359-361; grave of, 262, 292.

Hogue, Rev. J. M., 242-244, 247.

Hospitals, Catholic, 454.

Hunter, Rev. Andrew, grave of, 269.

Hunt, Memucum, 235, 236.

Indians, habitat, 521-530; not mound builders, 536; occupancy rights, 212, 214, 227; relics, 16, 38, 329, 347, 574; removal, 217, 220; reservations, 217-220; trails, 553, 554; treaties, 213-216, 222-227.

Izard, Gov. George, 223, 224; grave of, 262; leases salt mines, 201; pronunciation of Arkansas, 464, 467.

Jesuits, 427-428.

Johnson, Benjamin, grave of, 250.

Johnson, Benjamin S., 13, 14, 17, 20, 21, 25, 123, 134, 141, 147, 148, 171, 178; sketch of, 122.

Johnson, Robt. Ward, aids Baxter, 146; grave of, 268.

Jones, James K., 11, 118.

Kansas, historical work in, 33.

Kennard, Shelby, 310, 311, 316.

Kiamichi-Poteau line, 213, 220, 221.

"Lady Baxter," 153.

LaHarpe, 338, spelling of Arkansas, 475.

La Salle, spelling of Arkansas, 474.

Law, John, 336, 337, 338.

Lazarists, 429-432.

Long, Pres. E. R., 11, 12, 101, 104, 106, 107; sketch of, 91.

Long, Isaac Jasper, career of, 92, 93, 96, 98-100, 103, 104.

Longfellow, Henry W., pronunciation of Arkansas, 473.

Lost Prairie, 114, 115.

Lovely purchase, 224, 225.

Lucey, Rt. Rev. J. M., 16, 326, 457; sketch of, 424.

Lyon, A. W., 98, 101.

Lyon, Matthew, grave of, 271.

Manufactures, Confederate, 198, 560-566; carriages, 208; cotton gins, 209; cloth, 204, 562; hats, 202, 564; ordnance supplies, 207; salt, 200, 560; shoes, 176, 206, 564.

Marmaduke, Gen. J. S., 355, 363.

Martial law, in Pope County, 185, 186; in Pulaski County, 133, 166.

McBride, Gen. James H., grave of, 255.

McClure, John, 124, 130, 144, 158, 159; delegate to convention of 1868, 483, 484, 487-491; judge, 492.

McKenzie, H. B., 13, 15, 19; sketch of, 199.

McIntosh, Gen. James, 306; grave of, 294.

McRae, Dandridge, at Prairie Grove, 42, 355, 358; grave of, 258.

Memorial association, southern, 296, 360; Phillips County, 298; Little Rock 299, 300; Camden, 304.

Mexico, 228-236.

Millar, Dr. A. C., 5, 12, 13, 17, 21.

Miller County, 219, 230, 232, 234-236.

Miller, William R., grave of, 277.

Militia War in Pope County, 174.

Missionaries, 427-430.

Monuments, Confederate, 297, 298, 301, 302, 304-306.

Moore, Rev. J. W., grave of, 294.

Morgan, Asa S., sketch of, 237.

Morris, Rt. Rev. John B., 458-460.

Mounds and mound builders, care of, 39; eastern in origin, 39, 536, 544; in Clark County, 574-577; in Hempstead County, 116; related to Aztecs, 547; relics of, 328, 347.

Murphy government, 478, 479, 484, 489.

Murphy, Gov. Isaac, 48; grave of, 266.

Negroes, 138; jurors, 512; in Catholic church, 446, 447, 449.

Newton, Thos. W., 349, 352; grave of, 259.

Newton, Robt. C., 120, 132, 142, 167-169, 367, 368, 402, 414, 415, 422, 423.

Notrebe, Frederick, grave of, 273.
Nuttall, 213.

Ord, Gen., 484.

Orders of Gov. Flanagin, see contents of, 362.

O'Reilly, Rev. P. O., 436, 440.

Osage, cession, 214; Indians, 213, 215, 217, 330, 426-428, 521-523; missions, 430; purchase, 212.

Ouachita College, 317, 319-323.

Overton, John H., 235, 236.

Parham, Prof. W. C., sketch of, 531.

Parker, Isaac, grave of, 284.

Peace commission, 184, 193, 194.

Pea Ridge, Confederate dead of, 296, 306.

Peay, Gordon N., 135, 362, 369-423.

Pennywitt, Phillip, grave of, 288.

Pike, Albert, grave of, 291; in Brooks-Baxter affair, 146.

Pope County militia war, 174; appeal to the governor, 191; conspiracy, 179; martial law, 184; peace commission, 194; predatory

bands, 187; prominent characters, 176-178; reconstruction in, 175; Shiloh Church crime, 182.

Pope, John, correspondence and message about boundary, 232, 233; grave of, 271.

Pratt, Peter Parley, grave of, 288.

Prairie Grove, battle of, 354; Confederate dead of, 296-306; formation of army, 356; result, 360.

Presbyterian church, in southwest Arkansas, 237; Mount Holly Church, 238-253; relation to Arkansas college, 91, 92, 96, 102.

Press Association, 11, 12, 15, 31.

Protestants, 446, 447.

Pyramids of Egypt, significance of, 537.

Quapaws, 213, 330, 426-431; cessions of, 214, 215, 217, 218, 231; habitat, 521-530.

Ratcliffe, Rev. W. P., 305, 346, 352; grave of, 294.

Rector, Major Elias, grave of, 274.

Relics, civil war, 331, 332; historical, 16, 38, 328; in Clark County, 574; mound builders, 329, 347; show eastern origin, 350, 536.

Reconstruction, corruption under, 175, 177; in Arkansas County, 478-520; influence on Catholic church, 440.

Registrars, 494, 495.

Reynolds, William, 180, 191, 193.

Reynolds, Thos. J., sketch of, 174.

Reynolds, J. H., 5, 9, 11, 12, 14, 17, 20-22, 25, 31, 211.

Ringo, Daniel, grave of, 286.

Roane, John Seldon, at Prairie Grove, 355; grave of, 256.

Roane, Samuel C., 349, 353; grave of, 290.

Roots, Logan H., grave of, 270.

Rose, Col., 136, 138, 139, 141, 142, 155, 156, 161.

Rose, U. M., 135; aids Baxter, 136, 138, 146, 147; on pronunciation of Arkansas, 463, 466, 473-476.

Rosati, Bishop, 429, 430, 432, 433.

Roster, Confederate, 34, 40.

Royston, Grandison D., 116; grave of, 280.

Salt wells, 200; works, 202, 560.

Saracen, 431; grave of, 265.

Schools and colleges, Baptist, 307; early attitude of church, 308; endowment, 310; effect of Civil War, 311; Mississippi College, 312, 313; Ouachita College, 317, 319-323; other schools, 314, 317, 318, 323-325.

Schools, Catholic, 433, 437, 438, 448, 452-454.

Scott, Jno. R. H., 177, 191.

Scott, Judge Andrew, grave of, 282.

Seasons, explanation of, 543.

Searcy, Dr. J. B., sketch of, 306.

Sebastian, William K., grave of, 274.

Sevier, Ambrose H., grave of, 279.

Shall, Major D. F., 142, 154.

Shea, Dr. J. G., 523, 526.

Shiloh church crime, 182.

Slack, Gen. W. Y., 297.

Smith, Gen. E. Kirby, 373, 400.

Smith, Gen. Nat. G., 307-311.

Spain, influence on Catholic church, 426.

St. John's College, 134, 531, 532.

Stephens, Rev. W. W., 349, 352.

Stoddard, H. L., 16; sketch of, 536.

Supreme Court, opinion on Brooks-Baxter case, 125.

Tappan, Gen. J. C., grave of, 280.

Taxation, assessment, 73; banks, 76, 81; corporations, 60, 77-79; county rate, 51; delinquents, 83; equalization, 80, 81; exemptions, 64-68; express companies, 77; fees, 68-70; franchises, 60; history of, 43; incomes, 59; inequalities, 47, 80; inheritance, 59; land, 45, 46; liquor, 55, 62; listing property, 74; merchants, 76; occupations, 52, 54-59, 61-63, 68; polls, 63; privileges, 54-59, 61-63; personal property, 52, 53; railroads, 78; rates, 45, 46, 48-51; saloons, 55, 62; school revenue, 70; slaves, 52-53; telegraph companies, 77; valuation, 72.

Texas, 229, 231-236.

Thomas, D. Y., sketch of, 43.

Thompson, Hugh F., grave of, 287.

Tonty, Henry de, 334, 335, 427, 474, 528.

Trails, Indian, 553, 554.

Trader, Col. W. H., 362, 364, 365, 366, 373, 380, 383, 388, 401, 402, 403.

Trieber, Jacob, 12, 17.

Turner, Jesse, 349; grave of, 283.

Union County, Presbyterian church in, 238; primitive condition in, 239-242.

Union League, 189, 190.

United States, claims of, 230, 236; treaty with Mexico, 229-236.

Upham, Adj. Gen., 186, 189, 192.

Utley, Joseph S., sketch of, 254.

Van Buren, Martin, 232.

Vaudreuil, Gov., 340, 341, 344.

Vaughan, Mrs. Myra McAlmont, 13, 14, 346, 521.

Walker, J. D., grave of, 261.

Walker, David, grave of, 264.

Walker, Chas. W., sketch of, 354.

Washburn, Cephas, grave of, 259, 349, 352, 177.

Watkins, Geo. C., grave of, 275, 349, 352.

Welch, Rev. T. R., 93, 98, 99, 101.

White, H. K., commander of negro troops, 138-141, 155, 156, 161.

Whitlock, Judge J. C., 130.

Wiggins' battery, muster roll of, 569.

Wilson, R. J., 5, 11, 12, 17, 20-25.

Wilson, John, 116.

Williams, John, deputy sheriff in Pope County, 179, 181, 188; confession of, 198.

Williams, Samuel W., grave of, 276; on pronunciation of Arkansas, 463, 466-468.

Williamson, Capt. E. K., 381, 382, 384, 398, 404-406, 409, 410.

Winfield, Rev. A. R., grave of, 285.

Wisconsin, historical work in, 34, 38.

Woodruff, William E., Sr., grave of, 263, 349, 352.

Yell, Archibald, grave of, 264.

Yonley, T. D. W., 124, 147.

Zodiac, 538-542.